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Canada Royal Commission on
pilots

Hearings. 1963.
nos 13 - 16

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ROYAL COMMISSION

ON

18
PILOTAGE

13-16
HEARINGS

HELD AT

**NEW WESTMINSTER
B. C.**

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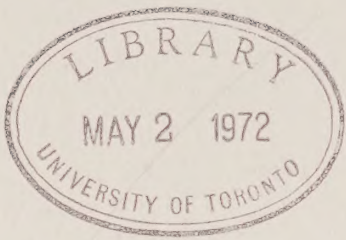
1963

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Courthouse Annex,
New Westminster, British Col-
umbia, on the 27th day of
March, 1963.

COMMISSION:

| | |
|------------------------------------|-----------------|
| The Honourable Mr. Justice Bernier | Chairman |
| Robert K. Smith, Esq. | Member |
| Harold A. Renwick, Esq. | Member |
| ----- | |
| Mr. Gilbert W. Nadeau | Secretary |
| Mr. F. S. Morissette | Asst. Secretary |
| ----- | |

COMMISSION COUNSEL:

| | |
|----------------------------|--|
| Mr. Maurice Jacques, Q.C. | |
| ----- | |
| Mr. Leopold Langlois, Q.C. | for the Canadian Merchant Service Guild and for the Pilots of the Pilot- age District of New Westminster (Fraser River). |
| Mr. J. I. Bird, Q.C. | for Vancouver Chamber of Shipping |
| Mr. W. T. Hunter | for New Westminster Harbour Commissioners |
| Mr. R. N. Monroe | for Pacific Coast Ter- minals Company Limited |
| Mr. H. P. Legg | for Crown Zellerbach Building Materials Limited |
| ----- | |

Also Present:

Capt. F. S. Slocombe, Department of
Transport and liaison Officer

Capt. J. S. Scott, Technical Advisor
to the Commission



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1 On commencing at 10:00 A. M. on the 27th day of March,
2 1963 ---

3 MR. JACQUES: Captain Gilley, please.

4 HAROLD LEE GILLEY, Sworn

5 Further direct examination by Mr. Jacques:

6 Q. Captain Gilley, I believe that you have
7 further comments to make as regards the docking and un-
8 docking of vessels at the Pacific Coast Terminals Dock?

9 A. Yes. When we were speaking about that
10 yesterday I was referring to ships at the Pacific Coast
11 Terminals lower berth being port side to, when you asked
12 me the length of time it took to go from one spot to
13 another.

14 I didn't add that sometimes these ships are
15 starboard side to at the lower berth, hence it would take
16 half an hour longer, so we have to use tugs.

17 Q. So you back them in and out the river?

18 A. That is correct.

19 Cross examination by Mr. Hunter;

20 Q. Captain Gilley, I wonder if you could
21 describe to the Commissioners the duration and speed
22 of the ebb and flood tides through the Second Narrows
23 Bridge, the railway bridge?

24 A. The Second Narrows Bridge?

25 Q. I am sorry, the railway bridge?

26 A. The velocity?

27 Q. The speed of the flow of the ebb tide and
28 flood tide and duration of the ebb tide and the flood
29 tide in normal season?

30 A. Excepting freshet months?



1 Q. Yes?

2 A. Well, say from a twelve foot tide to a
3 zero tide at Sand Heads, and the velocity might reach
4 $4\frac{1}{2}$ knots and sometimes stronger at the bridge itself,
5 and the duration of that would possibly be nine hours.

6 The flood tide at one time used to flood on
7 a big tide and would go up to the bridge at at least
8 three knots, but in the latter years it has been slowed
9 down considerably and the duration of the flood tide is
10 much shorter than the ebb, possibly five to six hours.

11 Q. Now, when you take a ship upstream, which
12 tide do you go through on?

13 A. We go through on high water the slack
14 or the ebb tide.

15 Q. And what is your procedure for going
16 through the bridge?

17 A. The procedure is I go through the north
18 draw, which is on the port side of the vessel.

19 Q. At what speed do you normally go through?

20 A. Well, with a strong ebb and with a ten-
21 knot ship, we usually go through at full speed.

22 Q. That is ten knots?

23 A. Ten knots to the water but only four or
24 five knots over the ground, possibly six.

25 Q. The ship's speed would be what?

26 A. Ten knots through the water, but possibly
27 only six knots over the ground.

28 Q. Because of this $4\frac{1}{2}$ -knot ebb current?

29 A. Yes.

30 Q. Then when you are coming back down what



1 tide do you come down on?

2 A. We try to avoid tides on the long run out.

3 We will pick the slackest water during daylight hours,
4 that is on a heavily-loaded ship, or you will come down
5 any time that the tide is flooding.

6 Q. What speeds would you come down at?

7 A. It depends on the tid. If you had a strong
8 tide you would come down through the bridge at full speed,
9 possibly going through on a ten-knot ship with a speed of
10 14 knots over the ground.

11 Q. So you would be coming through on a flood tide
12 at possibly 14 knots?

13 A. No, on an ebb tide, we run the ship full speed.

14 Q. Now, when you are coming with the tide you
15 don't have as much control over the ship?

16 A. That is correct. You are moving over the
17 ground that much faster.

18 Q. But you are going at a greater speed when you
19 are going with the flood tide?

20 A. We are going at a greater speed when we are
21 going with the ebb tide, when the tide is with us.

22 Q. Have any of the pilots ever in the last,
23 say, five or six years had a reportable accident at the
24 bridge?

25 A. Have they had a reportable accident?

26 Q. Yes?

27 A. I don't believe so. There is the case of
28 the Kavadoro which happened in 1958 or 1957. There may
29 have been a little paint rubbed off. I don't know whether

30



1 the pilots put a report in or not, but to my knowledge
2 there has been nothing since that time.

3 Q. That was a bridge aft ship?

4 A. That is correct.

5 Q. To your knowledge, how many accidents have
6 there been at the bridge during your time of service?

7 A. With deep-water ships?

8 Q. With deep-water ships?

9 A. I believe there has only been one, to
10 the best of my knowledge.

11 Q. Do you recall the cause of that, without
12 going into names?

13 A. No. That happened at least twenty-nine
14 or twenty-eight years ago, when I was a junior pilot.
15 I do recall the pilot telling me that it was a ship which
16 was only capable of doing about 8-knots and he came down
17 through the bridge at freshet time and the tide took her
18 too far north and he struck the protection work, with the
19 counter of the ship.

20 Q. I think you said yesterday that you do
21 bring conventional, normal ships from Fraser Mills during
22 the freshet up to a reading of 20 feet at the Mission
23 gauge?

24 A. Yes, that is correct.

25 Q. Do you feel it is a hazardous matter at
26 that time, during the freshet?

27 A. Up to 20 feet?

28 Q. Yes?

29 A. Yes, I do. When the river reaches between
30 12 and 20 feet at Mission I think it is hazardous, definitely



1 so.

2 Q. But you are prepared to take that risk?

3 A. Yes, we do that all the time.

4 Q. Do you not feel it would be more hazardous
5 to bring a conventional ship through the bridge with a
6 reading up to 20 feet at the Mission gauge than it would
7 be to take a bridge-aft ship through against the tide
8 when you have control of the ship, during the normal time
9 of the year?

10 A. Yes, we could take that type of ship up
11 there on slack water, on ebb tide.

12 Q. You are taking a calculated risk bringing
13 a ship up during the freshet?

14 A. That is correct.

15 Q. Well, would it be any more risky to bring
16 it down than to take a bridge-aft ship up when you have
17 control of the ship, with the tide against you?

18 A. Would you repeat that, please?

19 Q. Q. Would it not be more risky to bring a
20 conventional ship out during the freshet, when you say
21 it is risky, than it would be to take a bridge-aft ship
22 through against the tide during the normal river conditions?

23 A. No, I would prefer to take a conventional
24 type ship on a ~~twenty-foot~~ freshet rather than take
25 a ship up with your vision obscured, or bring one out,
26 even at slack water.

27 Q. Do you say it is strictly a matter of
28 vision?

29 A. And the position that the pilot has to
30 remain on the ship, guiding the ship from the bridge and



1 his vision partly obscured.

2 Q. Do you use tugs at times in docking ships
3 here?

4 A. Yes, sir.

5 Q. Who controls those tugs?

6 A. The pilot, on orders from the pilot.

7 Q. How do you communicate with those tugs?

8 A. By using a microphone, at night with a torch,
9 signal of some kind.

10 Q. Do you use whistles?

11 A. Yes, we use whistles.

12 Q. When I asked you yesterday if it was possible
13 to control a bridge-aft ship by use of a tug going through
14 the railway bridge, you put the question to me:

15 "Who would control the tug?"

16 Could you not control the tug in this manner by use of
17 whistles?

18 A. Not particularly so, no. When you are
19 docking a ship there is no way on the ship and you can
20 walk over to the side and shout down and give any order
21 you might wish to give him. It is done by a whistle or
22 microphone or even a hand signal during daylight hours,
23 and a torch by night. There is no headway on your ship
24 and she is not going to go too far in either direction.
25 But when you put a tug on the towline ahead of the ship
26 and coming down through the bridge on an ebb tide -- I
27 am speaking of a bridge-aft ship -- in all probability
28 your ship will overrun the tug, because it is faster
29 than the tug. The tug is doing 10 knots and the ship is
30 possibly doing 14 knots through the water.



1 Q. Would not a tug keep ahead of the ship
2 when you are on a flood tide?

3 A. That is true. But there are many occasions,
4 freshet excepted, that we cannot get slack water in the
5 daytime. That happens during daylight hours when you
6 don't get a period of slack water at all.

7 Q. Now, are you aware of any ports in the
8 world that use tugs line ahead for additional security?

9 A. I can't speak with authority because I
10 have never seen anything like that.

11 Q. I am instructed that in certain ports, for
12 example, on the Thames going from Gravesend up to London,
13 that they use tugs line ahead, and that is a busy river.
14 Do you know anything about that at all?

15 A. No, nothing whatever. My travels have
16 been very limited.

17 Q. I am told it is feasible. Have you tried
18 that on the river at all?

19 A. Yes, sir, on two occasions.

20 Q. Has it worked?

21 A. It did on one occasion but not on the
22 other when I attempted to take a partially loaded ship
23 from the Pacific Coast Terminals out of the river. This
24 happened several years ago, possibly 15, on a conventional
25 type ship with a draught possibly of 20 feet, and I had
26 a tug alongside of 1300 horsepower and I tugged on the
27 towline forward of the ship with 650 horsepower and we
28 had a near stranding down at Tilbury Bend. The curve
29 is very gradual, but the lead tug fell off to one side
30 and he couldn't recover himself, he couldn't get back,



1 and the mate standing by cut the towline, otherwise
2 he would have capsized.

3 The only other time I moved a dead ship was
4 from one berth to another.

5 Q. Do you know whether the Second Narrows
6 Bridge is navigated at night?

7 A. Whether it is navigated at night?

8 Q. Yes?

9 A. I assume it is, in certain stages of
10 the tide.

11 Q. By deepsea ships?

12 A. I believe so.

13 Q. Do you know whether it is lit up or not?

14 A. No, I am not familiar with the lighting
15 system on that bridge.

16 Q. Now, just one other question.

17 If the master of a bridge-aft ship insisted
18 on going up to Fraser Mills, what would you do?

19 A. Well, I would advise him against it and
20 say it is a dangerous procedure.

21 Q. If he thought that he did want to go up,
22 what would you do, if he insisted on going after you ad-
23 vised him that you felt it was dangerous?

24 A. I couldn't do much about that. He is always
25 in charge of his own ship. I would tell him to go ahead
26 but drop me ashore first.

27 Q. If you had a letter from the owners stating
28 that they would relieve you of any responsibility on
29 taking a bridge-aft ship through, would you take it
30 through then?



1 A. MR. LANGLOIS: The owners of the bridge
2 or the owners of the ship?

3 MR. HUNTER: The owners of the ship.

4 MR. LANGLOIS: Better get it from both,
5 then.

6 THE WITNESS: No, sir, I don't believe I
7 would. If the master wanted to do that on his own,
8 that would be entirely up to him. I would recommend
9 against it.

10 Q. Supposing you had a letter from both
11 owner and the master relieving you of your responsibility,
12 would you go?

13 A. I believe the pilots have a duty to
14 perform. They know that that ~~practice~~ is dangerous,
15 and if the master is so advised, why should we tell him
16 that it is all right for him to go up and wreck the
17 bridge and block the channel for two or three months.

18 Q. It is not the first time that a bridge-
19 aft ship has gone through?

20 A. That is correct, the railway bridge.
21 But there are many bridge-aft ships come into the Port
22 of New Westminster and stay below the bridge. We handle
23 them. We actually know what a bridge-aft ship can do.

24 MR. HUNTER: That is all.

25 THE CHAIRMAN: In the cross-examination
26 there it seemed to me that one alternative was not covered
27 about the various methods which could be employed to
28 bring a ship through that bridge. What about tugs for
29 bridge-aft ships at slack water, when you have slack
30 water during daylight? Would that be possible?



1 THE WITNESS: That would be possible,
2 yes, my lord.

3 THE CHAIRMAN: I think that is one that
4 could be left open.

5
6 BY MR. JACQUES:

7 Q. In reply to his lordship you said that the
8 method suggested would be possible. Would it be dangerous?

9 A. Well, the point is, sir, that you might
10 find the slack water to get the ship up through the bridge,
11 but you might not find the slack water to come back down.

12 Q. Would a tug in slack water ahead of the
13 ship be a dangerous procedure in going through the bridge?

14 A. Yes, I would say it would.

15 Q. Why?

16 A. Because I would say it is not safe
17 navigation for one thing.

18 Q. Why?

19 A. Because you have the ship and the tug
20 to control.

21 Q. If the ship has slack water, is it not
22 easier to control the ship?

23 A. That is correct.

24 Q. Is it not also easier to control your
25 speed when you are manoeuvring in the slack water?

26 A. Quite correct.

27 Q. Would it therefore be necessary to go
28 through the bridge at 10 knots if you were going through
29 at slack water?

30 A. No, it would not be necessary.



1 Q. Could you go through at 5 knots with
2 slack water?

3 A. Yes.

4 Q. If the tug was doing 9 knots, would not
5 your tug be able to stay ahead of the ship?

6 A. That is correct.

7 Q. As regards a point which was raised a
8 moment ago, you said you had two experiences of manoeuvr-
9 ing vessels with a tug lineahead?

10 A. Yes.

11 Q. They were both dead ships, were they?

12 A. They were both dead ships.

13 MR. JACQUES: Thank you.

14 I have another witness. I don't know
15 whether any of the other counsel wish to cross-examine
16 at this moment.

17 THE CHAIRMAN: You may put any questions
18 to the witness.

19 MR. LANGLOIS: My lord, for the sake of
20 the record, since this is my star witness, I don't think
21 it should be considered that I am cross-examining
22 the witness. It would be in direct examination if I
23 do so, and I should think any cross-examination should
24 be carried on now before I go ahead.

25 THE CHAIRMAN: I think so.

26 MR. LANGLOIS: I don't know if Mr. Bird
27 wishes to cross-examine the witness now.

28 MR. CLYNE: My lord, if I may cross-
29 examine on the points which were brought up yesterday.

30 THE CHAIRMAN: Mind you, there is no



1 formal procedure here, and if something has been forgotten,
2 then with the leave of the Commission you will be allowed
3 to put any questions you wish, to any witness, at any
4 time; we will recall them, et cetera.

5 MR. CLYNE: The position is that part
6 of the brief has gone in now and Mr. Langlois is going
7 to put the rest of it in.

8 THE CHAIRMAN: Really it is the case of
9 the Commission, it is not the case of anybody here.
10 This is not a litigation, and it is up to the Commission
11 to find out the facts. Therefore we think it is better
12 for the Commission to call various witnesses first in
13 order to have the basic facts. We are bound to enter
14 into your brief, we cannot escape that, because you are
15 talking about the same matter, pilotage problems, but our
16 counsel is going to try not to get into litigious matters
17 if at all possible and to leave that to any of those
18 who have presented briefs.

19

20 CROSS-EXAMINATION BY MR. CLYNE:

21 Q. Captain Gilley, dealing with yesterday's
22 evidence concerning standby time - I believe you gave
23 evidence on standby time, did you, yesterday?

24 A. I believe so. I have forgotten what
25 I said, though.

26 Q. Well, perhaps I can remind you. I
27 believe Mr. Warren's evidence was that about three days
28 per week was standby time, in which the pilot was on
29 call but not working.

30 A. That could be true.



1 Q. Now, during that standby time what are -
2 you doing? Are you at home?

3 A. Not necessarily so. We probably - on one
4 or two days on the standby time we might be around the
5 office for a committee meeting or a general meeting.

6 Q. For a full day?

7 A. For at least four or five hours of
8 that day.

9 Q. And that happens every week, does it?

10 A. Not particularly every week, but there
11 is a meeting going on every week. I don't say it lasts
12 five hours each time, but there is always a meeting every
13 week, there is always a discussion going on on pilotage
14 matters.

15 Q. And the rest of the time I imagine
16 you are at home, are you?

17 A. That is right.

18 Q. And when you are on standby time you
19 are not necessarily restricted to staying at home, as
20 long as you leave your telephone number with the
21 despatcher?

22 A. No, as long as we leave a telephone
23 number.

24 Q. So you are not necessarily confined
25 to home during that time?

26 A. Not necessarily so, no.

27 Q. You mentioned yesterday about fishing
28 boats creating a hazard in the river. Is that right?

29 A. That is right.

30 Q. Now, that is not all year round is it?



1 A. Oh, there is a period of two to
2 three months in the winter time when the ice drives out
3 the fishermen.

4 Q. The ice, Captain Gilley?

5 A. I should not have mentioned that. We
6 don't have ice here at all, but they don't get out and
7 fish during the months of December, January and February,
8 so there is nine months of the year that there is
9 always fishermen in the river.

10 Q. Isn't it true that the most concentrated
11 group of fishing boats occur around the Fraser River
12 mouth?

13 A. Not necessarily, no. It depends where
14 the fish are. Each fisherman knows, and they send word
15 to each other.

16 Q. That is during the salmon run, is it?

17 A. During the salmon run, yes.

18 Q. Which lasts for how long?

19 A. Well, there is a run going on all the
20 time. There is a spring run on now. Then the sockeye,
21 and the dog, and the coho, and the chum. There is
22 all different seasons for runs.

23 Q. But the most concentrated time for
24 fishing is when?

25 A. August and September.

26 MR. CLYNE: My lord, I may be anticipating
27 my friend, Mr. Langlois, but I would like to ask the
28 witness some questions concerning the brief. It may
29 have been touched upon, but I think maybe my friend is
30 going to touch on them when he examines the witness



1 again.

2 Q. Would you read paragraph 25 of the brief
3 Captain Gilley?

4 A. Yes, I have read it.

5 Q. Now, did you hear Mr. Wallace's evidence
6 yesterday?

7 A. I did.

8 Q. Concerning the fact that there were
9 eight deposits of silt on the river, and he marked them
10 on the chart. Do you remember that?

11 A. That there was how many deposits of
12 silt?

13 Q. Eight major deposits?

14 A. Yes, I believe I heard that.

15 Q. Is that true?

16 A. It would be in our District, in the
17 reaches from Port Mann to the Sand Heads, that is possibly
18 true, yes.

19 Q. When you say in paragraph 25 that the
20 silt is deposited everywhere and anywhere, are you
21 referring to the eight places which Mr. Wallace mentioned?

22 A. We are not particularly referring to
23 those eight specific places, because sometimes shoaling
24 will occur in different spots. The Department has not
25 realized where the shoal spots are. We even get shoals
26 in winter time, well after the freshets have ceased.

27 Q. Which has been dredged by the Department?

28 A. Which has been dredged by the Department.

29 Q. Does this happen often?

30 A. It happens occasionally. It was on the



1 Annievile Bar I think three years ago, when we had
2 a winter freshet caused by heavy rains up country, and
3 it shoaled three or four or five feet. The channel was
4 dredged in August and the shoaling took place in December
5 or January.

6 Q. I believe Mr. Wallace's evidence was
7 that the eight places he mentioned are dredged out
8 annually, after the freshet?

9 A. No, I don't think they are all dredged
10 annually.

11 Q. But are there any other places which
12 are dredged regularly which would create an obstruction
13 to navigation?

14 A. Are there any other places that are
15 dredged regularly did you say?

16 Q. Other than those mentioned by Mr.
17 Wallace?

18 A. I can't think of them right now, where
19 they might be.

20 Q. Well, I am suggesting to you that the
21 places which Mr. Wallace indicated on the chart, the
22 eight places, are the major silting places?

23 A. The eight places are the major silting
24 spots, yes.

25 Q. And they are the ones that create
26 any obstruction to navigation?

27 A. That is right.

28 Q. Concerning expenses, Captain Gilley,
29 in Section 47 of your brief. Have you read it Captain?

30 A. Paragraph 47?



1 Q. Yes?

2 A. Yes sir.

3 Q. How much of that twelve hundred dollars
4 is for travelling expenses?

5 A. I would say all of it is for travelling
6 expenses, plus the telephone bill of the pilot.

7 Q. The telephone bill which is \$1,025.00.
8 Is that correct?

9 A. No, I am speaking of our individual
10 telephone bills.

11 Q. You are not referring to the office
12 and general expenses?

13 A. No.

14 Q. Your individual telephone bills?

15 A. That is correct.

16 Q. Therefore there are no charges for
17 subsistence and lodging, which was referred to in
18 Paragraph 47?

19 A. Well, if you want a detailed explanation
20 of the expenses, we are allowed \$9.00 per ship.

21 Q. And that is to take a taxi is it?

22 A. That is to take a taxi, and possibly
23 sometimes you might spend a full day, or maybe two days,
24 aboard the ship. Well, you can give the steward a
25 dollar for a meal, or it might cost you a couple of
26 dollars. Then you have your taxi home if it is after
27 hours, two or three o'clock in the morning, after you
28 dock the ship. So on the whole it is worked out to
29 \$9.00 per ship, and that is the basis upon which we
30 work.



1 Q. How often have pilots stayed aboard
2 a ship two or three days?

3 A. I believe a hundred times.

4 Q. Over what period of time?

5 A. Thirty years.

6 Q. That is your own experience?

7 A. Yes.

8 Q. You can't speak for the other pilots?

9 A. No sir.

10 Q. Have you ever paid for a meal aboard
11 a ship?

12 A. I have never been asked to pay for a
13 meal, but I have paid for a meal. I have paid for several
14 meals aboard ship.

15 Q. But you have never been asked to pay
16 for it?

17 A. No, except that I did have to sign
18 a chit on one or two occasions.

19 Q. That would be for the ship's purposes
20 I imagine?

21 A. That would be for the steward's records,
22 showing that the pilot ate aboard the ship.

23 Q. But you were not charged for that?

24 A. No sir.

25 Q. Then I suggest that you have had many
26 a meal aboard a ship without having paid for it?

27 A. I think the occasions are very few but
28 what I haven't left fifty cents, seventy-five cents, or
29 a dollar. I have left two dollars aboard a ship.

30 Q. For the purpose of paying for the meal?



1 A. No sir, it is not for the purpose of
2 paying for the meal. It is the food and lodging that
3 you get if you happen to be detained over night, or one
4 or two days, aboard the ship. I always leave fifty
5 cents, seventy-five cents, or a dollar tip on the tray
6 when they bring my meal up to the bridge. I don't
7 expect to eat for nothing.

8 Q. That is for a tip?

9 A. Yes.

10 Q. A gratuity?

11 A. That is correct.

12 Q. I believe you told my friend, Mr. Hunter,
13 that there hadn't been any reportable accident, I believe
14 you were referring to the Fraser River Bridge at
15 the time, during the last five or six years, other than
16 the one ship mentioned, the "Kavadoro"?

17 A. That is correct.

18 Q. Has there been any reportable accident
19 in the harbour, or on the river, in the last five or
20 six years?

21 A. None that I am aware of. I don't look
22 at the records, the other pilots' records. It must have
23 been of a minor nature, or I assume I would have heard
24 about it.

25 Q. What determines whether an accident
26 is reportable or not? Do you know?

27 A. No, I can't answer that. If there is
28 any damage done, either to the ship, or to the pier, it
29 is usually reported.

30 MR. JACQUES: I have just been instructed



1 that during the fishing season a patrol boat is supplied
2 by the Harbour Commissioners, her duties being to travel
3 ahead of the ships, and to ensure that the channel is
4 clear of fishing boats. Is that a fact?

5 THE WITNESS: In recent years that is
6 a fact, yes sir, but that does not ensure the channel
7 is clear by any means.

8 MR. JACQUES: No, but does it help
9 to clear the channel?

10 THE WITNESS: It does.

11 MR. JACQUES: Do you approve of that
12 practice?

13 THE WITNESS: I do.

14 MR. JACQUES: Do you find it is a
15 useful practice?

16 THE WITNESS: I do.

17 MR. JACQUES: Would you like to see
18 it abandoned, or replaced by another practice?

19 THE WITNESS: No, I don't they could
20 use another practice.

21 MR. JACQUES: Further to the evidence
22 given by Mr. Warren, I should like to file two statements,
23 one being the certificates which are held by the present
24 pilots, and the other one the certificates which were
25 held by applicants for the position of pilots. They
26 show that among the present pilots two have master's
27 certificates, foreign-going, one master of a passenger
28 ship, home-trade, one master of a tug boat in the home-
29 trade, 350 tons, and three with master of tugboat.
30 Among the applicants two had master foreign-going, five



1 master of tugboat, home-trade, 350 tons, and five had
2 master, tugboat.

3

4 ---EXHIBIT NO. 173: Bundle of Certificates.

5

6 DIRECT EXAMINATION BY MR. LANGLOIS:

7 Q. Referring to this matter of the patrol
8 boat, how many patrol boats are there?

9 A. One.

10 Q. And this patrol boat proceeds ahead of
11 the ships through the whole of the district?

12 A. That is the usual thing, yes, but he
13 can't be in two or three places at the same time if
14 there are two or three movements taking place.

15 Q. If you have two or three ships going
16 up, and two or three ships going down, you have only
17 one patrol boat?

18 A. That is correct, yes.

19 THE CHAIRMAN: But I gather that this
20 is not too often though, the number of jobs being done
21 at the same time, on the average?

22 Q. How often, Captain Gilley, would you
23 have more than three movements at the same time on the
24 river?

25 A. Oh, that might occur four times in
26 a week.

27 Q. And more than one, how often would
28 you have more than one movement on the river? How often
29 would that happen in a week?

30 A. That is what I was referring to. I



1 say it might happen four times in a week where there
2 might be two or three vessels moving at the same time.

3 Q. How many days would you have only one
4 movement in a day, would that happen quite often?

5 A. That could happen the other three days
6 of the week.

7 Q. I don't think you are getting the meaning
8 of my question. Would it happen very often that in
9 one single day of the week you would have only one
10 movement?

11 A. No, that does not happen too often.

12 THE CHAIRMAN: You might have a movement
13 in the morning and one in the afternoon, so one boat
14 could be used?

15 MR. LANGLOIS: I am not referring to
16 movages in the harbour, but a movement from say New
17 Westminster to the other end of the District.

18 THE CHAIRMAN: Just to clarify the
19 question further, I don't suppose that the fishermen
20 would be all over the district at the same time.
21 They would be all concentrating in one place. Would
22 they be up above the Railway Bridge, and in the port
23 of New Westminster?

24 THE WITNESS: They fish throughout
25 our district every mile from Port Mann to the Gulf.
26 They are not concentrated necessarily in one place,
27 except in a heavy run.

28 Q. Captain Gilley, this patrol boat was
29 used at whose request? Who requested that patrol boat?

30 A. The pilots.



1 Q. What was the reason?

2 A. Because we felt that the fishermen were
3 impeding navigation, and there had been several accidents
4 to fishing vessels by not getting clear of the ship.

5 Q. Are there any regulations in your
6 District governing the use of fishing boats in the river?

7 A. There are regulations in the Harbour
8 Board Regulations.

9 Q. Is it not a fact that the patrol boat
10 was requested by you pilots because the fishermen were
11 not complying with the regulations?

12 A. That is correct.

13 Q. That is the reason then?

14 A. Yes sir.

15 MR. LANGLOIS: My lord, when the brief
16 of the Pilots was filed yesterday, we wanted to file
17 with it an amendment to the brief, which I am prepared
18 to file this morning. I wonder, my lord, if it should
19 go under the same number.

20 THE CHAIRMAN: Give it the letter
21 A with that number.

22 THE SECRETARY: It will be Exhibit
23 169A.

24
25 ---EXHIBIT NO. 169A: Addendum to brief submitted by
26 the Pilots of the Pilotage District
of New Westminster (Fraser River).

27 MR. LANGLOIS: This amendment has
28 only to do with the recommendation made by the pilots
29 regarding the reimbursement of the expenses of their
30 office here in New Westminster, and including the staff



1 and the telephone, and so on, and the amendment has to
2 do with adding to recommendation number two the following:

3 "and as a means to achieve this, the present
4 New Westminster Pilotage Authority should
5 be replaced by the Minister of Transport as
6 the Pilotage Authority."

7 Q. Now, Captain Gilley, in your brief --

8 THE CHAIRMAN: Excuse me, maybe you could
9 say this now. I think this is not a new request. It
10 was already requested. Are you aware of that or not?

11 MR. LANGLOIS: Do you mean by my principals?

12 THE CHAIRMAN: Yes.

13 MR. LANGLOIS: No.

14 THE CHAIRMAN: I don't mean this year. I
15 mean a few years ago.

16 MR. LANGLOIS: No, this is the first time
17 my lord.

18 There is a correction on this. My instructions
19 are that when the pilots requested the Department to
20 take over the pilot boat, they also requested that the
21 management of the District be taken over by the Department,
22 and this was in 1958.

23 THE CHAIRMAN: Yes, that is what I had
24 in mind.

25 Q. In your brief, on Page 1, under the
26 heading of Description of District, comprising paragraphs
27 5 to 21 inclusive on Page 4, would you say that the
28 description of the District, as outlined in these
29 paragraphs is a complete one?

30 A. I believe that is fairly complete, yes I



1 do.

2 Q. Now, Captain Gilley, on Page 2, Paragraph
3 8, you mention that the channel narrows to less than
4 500 feet at the bend "C" in the North Jetty -- these letters,
5 my lord, refer to the schedules which are the two
6 charts covering the district which were filed with the
7 brief.

8 THE CHAIRMAN: I see that they are all
9 marked according to your brief.

10 MR. LANGLOIS: When you gave the width
11 of the channel as being 500 feet, is that at low or
12 at high tide?

13 A. Well, depending on the draught. On the
14 south side of the river, which is buoyed at that particular
15 place, the buoys are set on the 20 feet contour, which
16 might not accommodate a deep draughted ship on the south
17 side of the river.

18 Q. When you use the figure of 500 in this
19 paragraph, do you take as a basis for example a 24
20 foot draught ship?

21 A. I didn't here.

22 Q. When you say, Captain Gilley, that the
23 width of the channel at Bend "C" is only 500 feet, are
24 you basing yourself on any particular draught of a
25 ship?

26 A. No, that would be a draught of 20 feet.

27 Q. Twenty feet?

28 A. Yes sir, it would not be a deep draught.

29 Q. I beg your pardon?

30 A. It would be a little less than 20 feet



1 at low water, because you want two feet under the
2 ship, eighteen feet.

3 Q. What is the deepest draught ship that
4 you have taken up or down from New Westminster?

5 A. Our maximum draught on a 12 foot tide
6 is $28\frac{1}{2}$ feet.

7 THE CHAIRMAN: This bend, you described
8 it yesterday as between the buoy 16 and buoy 18, isn't
9 it?

10 THE WITNESS: That is correct my lord.

11 Q. Now, in the same paragraph you make mention
12 of sudden fogs adding to the hazards of this bend. Would
13 you further explain what you mean by sudden fogs?

14 A. Well, that could mean the man-made fogs
15 created by the reduction plants in Steveston with a
16 quick change in direction of wind could fill that whole
17 area in five or ten minutes, if the wind came from the
18 north-east. You might be approaching that region down
19 there, and the wind might be south-east, but it might
20 switch around to the north-east and just fill the whole
21 channel full of fog.

22 Q. Would this man-made fog be dense enough,
23 and last long enough to force you to anchor at times
24 on occasions?

25 A. It has been known to do that sir. Yes.

26 Q. Is there a good anchorage there?

27 A. Not particularly, no, there is no swinging
28 room for the ship.

29 Q. And this fog can't be prevented?

30 A. It can't be prevented.



1 Q. It cannot you say?

2 A. It cannot be prevented.

3 Q. In Paragraph 9 you describe the part of
4 the river between Garry Point to Steveston Island, and
5 you state that the channel is maintained to a depth
6 of 22 feet at low tide. Are you speaking of reap tides
7 or spring tides when you give this depth of 22 feet?

8 A. That is on a zero tide at Sand Heads.

9 Q. In Paragraph 10, Page 2, you make mention
10 of fast running currents. Would you tell the Commission
11 as to whether or not these currents are parallel with
12 the centre line of the channel?

13 A. No sir, they are not parallel. There
14 is quite a set to the outward their on the strong ebb
15 tide, and a set to the northward on a flood tide.

16 Q. Now, going to Page 3, Paragraph 14,
17 you state there at the end of that paragraph:

18 "The turn in St. Mungo's bend is an angle
19 of 50 degrees and it is a practice among pilots not
20 to pass each other there when navigating deep-sea
21 vessels."

22 Do you mean by that that that practice is
23 followed only by pilots?

24 A. No, I think the pilots are the only
25 ones that know anything about it, because we often meet
26 heavy tows in that particular area.

27 Q. And you would have to pass them?

28 A. We have to pass them, yes. We don't
29 attempt to overtake them, but we have to meet them.

30 Q. You would not under any circumstances



1 overtake them there?

2 A. No, sir.

3 Q. Then in Paragraph 15, the Annieville
4 Channel, it is mentioned it ~~has~~ a width of 300 feet only,
5 and you say that this channel wanders after each freshet
6 period and frequent dredging is required. How often is
7 dredging required in this very narrow channel?

8 A. Well, I believe it is the practice of the
9 Department of Public Works to dredge it in the fall
10 after the freshet of every year. On occasions it has been
11 known to shoal up at this end of the Annieville Channel
12 after each freshet because of heavy rains.

13 Q. Would you tell the Commission how long
14 this dredging will last in any given season?

15 A. At that particular spot?

16 Q. Yes?

17 A. Depending on the type of dredge used,
18 sometimes it takes up to six weeks to dredge the
19 Annieville Channel and the approaches to the elevator.

20 Q. And ~~in~~ Paragraph 16 of the same Page 3
21 you make mention of the focal point for river traffic,
22 where the deepsea vessels are manoeuvring and log booms
23 in excess of 2,500 feet in length in tow of small tugs
24 are in transit from storage grounds to sawmills. Would
25 you say that this is one of the spots which creates
26 the more serious problems, navigational problems?

27 A. I believe that is one that creates or
28 calls for undivided attention on the part of the pilot.

29 THE CHAIRMAN: Excuse me, Mr. Langlois.
30 When you say that this point, point K, is a focal point



1 for river traffic, would that mean a lot of traffic
2 would come from the North Arm or going to the North Arm?

3 THE WITNESS: It would be coming to or from
4 the North Arm, or also from the slew which is at the
5 end of the Fraser River.

6 Q. I understand -- correct me if I am wrong --
7 that these log rafts we are talking about come out from
8 the North Arm of the Fraser River. Is that a fact?
9 Have you got a chart of the river?

10 A. No, I have no charts.

11 Q. Would you, Captain Gilley, now that you
12 have a chart in front of you, explain to the Commission
13 what you exactly mean by describing the movement of
14 traffic at this point, what do you mean when you say
15 it is a focal point of traffic?

16 THE CHAIRMAN: It might be a good idea
17 also to indicate where are the storage grounds, where
18 are the logs, and booms leaving to go to the sawmills?

19 A. Well, on many occasions --

20 MR. LANGLOIS: I understand there are
21 storage grounds all along the river, my lord.

22 THE CHAIRMAN: Yes.

23 MR. LANGLOIS: At the railway bridge there
24 is one.

25 THE CHAIRMAN: Captain Gilley, are there
26 not many storage grounds in Annacis Channel?

27 THE WITNESS: Yes, that is quite true,
28 your lordship. But there are storage grounds on the
29 south bank of the river, the Timberland Mills.

30 THE CHAIRMAN: So I gather that the booms



1 are leaving from there to be brought up to the Fraser
2 Mills?

3 THE WITNESS: Yes, they are coming up
4 the North Arm usually on a flood tide, and sometimes
5 those tows are in excess of 2,500 feet. A section is
6 66 feet. Those tows come up out of the North Arm and
7 they pass up into the Fraser or Pitt River, or many of
8 them come from the entrance to the North Arm to the
9 Timberland Mill and they block navigation on many
10 occasions. We then have to wait until the tow can cross
11 to the other side of the river.

12 Then you have scow and storage grounds
13 and boom storage grounds on the Annieville Channel. So
14 sometimes there is a lot of activity at that particular
15 point.

16 THE CHAIRMAN: Thank you.

17 MR. LANGLOIS: My lord, everywhere on
18 the chart where dolphins are mentioned, it means these are
19 storage grounds, and you have them all along.

20 Q. Would this situation you have just des-
21 cribed, Captain Gilley, be worsened in the case of
22 foggy weather?

23 A. Oh, yes, definitely it is.

24 Q. Would it worsen to a point that you would
25 have to anchor your ship instead of carrying on?

26 A. That is correct.

27 Q. That is correct?

28 A. That is correct, sir.

29 Q. At the end of Paragraph 17 you mention
30 that some of the berths are not accessible at all stages



1 of the tide and does cause some restriction to vessels
2 using these berths. Do you mean there that you have to
3 anchor before going alongside on occasions?

4 A. That is correct, for some of those part-
5 icular berths.

6 Q. How often does that occur?

7 A. Oh, it might happen every second trip.
8 that you wanted to get a ship down to berths A or B and
9 you might have to anchor and wait an hour or three
10 hours.

11 Q. We now come to Page 4, Paragraph 18, and
12 to this famous railway bridge of which we heard so much
13 yesterday.

14 In Paragraph 18, Captain Gilley, you talk
15 about cross currents. What do you mean by cross currents
16 in this paragraph?

17 A. Cross currents might not actually des-
18 cribe what we are trying to get over, but there is a
19 definite set on the ebb tide to the north.

20 Q. Would you explain to the Commission the
21 manoeuvres that you will have to do coming up to the
22 bridge first and then coming down to the bridge, what
23 alterations of course you would have to do and how the
24 current will set your ship on these different alterations
25 of course. Let's take first a ship coming inward?

26 A. Well, with the ship proceeding to Fraser
27 Mills or any other berth beyond the bridge, the usual
28 practice is, depending on the state of the tide, whether
29 it be slack water or an ebb tide, and the speed of the
30 ship, you may put the ship on half speed, you usually



1 put the ship on half speed to go through the bridge
2 because you have a fairly short turn to make after
3 you go through the bridge. There is a buoy there. I
4 think the distance is about one thousand five hundred
5 to one thousand six hundred feet from the protection
6 work to the bridge. Therefore you must have your ship
7 under control, and if it is at all possible we usually
8 start to swing to port while going in the draw itself to
9 make sure you get round the buoy.

10 THE CHAIRMAN: Is that buoy No. 13?

11 THE WITNESS: No, it is the Middle Ground
12 buoy, 13 feet, it says there.

13 THE CHAIRMAN: 24 BW?

14 MR. LANGLOIS: Yes. But 24 is not the
15 number of the buoy, it is the sounding. But it is des-
16 cribed as a black and white stripe.

17 THE WITNESS: The ship has to swing to
18 port 35 degrees to clear that buoy and then proceed up
19 Sapperton Channel. On many occasions you meet log
20 booms and tows coming down the Sapperton Channel. Most
21 times they are courteous and give us enough room to get
22 by, but on occasions we have got mixed up with log tows
23 coming down. They have fouled the ship up on two
24 occasions to my knowledge. Then we proceed a distance
25 of two miles to Fraser Mills, and the ship is naturally
26 docked port side to at Fraser Mills because you are
27 naturally going up on slack water or an ebb tide.

28 Q. Why would you have to make this alteration
29 of course to port as you go under the bridge or through
30 the gap? What is the reason?



1 A. To make sure that -- by the time the
2 starboard counter of the ship closest to the protection
3 work of the main wing span, if you waited to make your
4 turn you might not get round the buoy.

5 Q. Would you give the distance from the
6 railway bridge to Middle Ground buoy?

7 A. I believe it is 1,500 feet. I can't
8 guarantee that.

9 Q. One thousand five hundred feet. Would
10 you care to check that?'

11 A. It is 1,800 feet.

12 Q. On which side would you have the current
13 at this time, as you start to make your swing or
14 alteration to port?

15 A. You would have the current on the star-
16 board bow.

17 Q. On the starboard bow?

18 A. Correct.

19 Q. And you make an alteration of course
20 of 35 degrees to port at that time?

21 A. Yes.

22 THE CHAIRMAN: At what time? At ebb
23 tide is the current always on the same side? Is the
24 current always going up on the port side whether it is
25 ebb tide or not?

26 MR. LANGLOIS: I understand they go through
27 there on ebb tide.

28 THE WITNESS: It is very few times that
29 we go through on slack water; it is usually at ebb
30 tide, and consequently you have the current on your star-



1 board bow.

2 I might add to that statement about difficulties
3 in navigating the Sapperton Channel up there. It has
4 been my experience on two occasions where you get a slow-
5 handling ship and not too much power, like the ships we
6 have had in the past, that the vessel was not steering
7 well and it wouldn't make the turn opposite Brunette
8 Creek, and she took a dive there and she went up
9 Brunette Creek, much to my amazement, but no damage
10 was done.

11 Q. Captain Gilley, do you consider that the
12 distance of 1,800 feet with a ship of, say, 500 feet
13 in length, is sufficient distance to make such an
14 alteration in course in safety?

15 A. No, I don't feel it is sufficient
16 distance, sir.

17 Q. What about taking the ship out? Will
18 you describe how you do it?

19 I understand, my lord, that this is done at
20 flood tide at this time, flood current.

21 A. Well, leaving Fraser Mills, we proceed
22 up beyond Sapperton Dike, which is nearly up to Port
23 Mann, and turn the ship and head downstream and follow
24 that mid-channel course pretty well down. If there is
25 any other traffic, we keep to the port hand of the
26 hand side of the river and we follow that shore pretty
27 well down to Canadian Gypsum, Lime, and Alabastine,
28 and depending on whether the tide is flooding or ebbing
29 we set, try to set ourselves up in position at least four
30 or five ship's length from the railway bridge. If it is



1 a strong ebb tide, we stay further to the south to allow
2 for the set to the north, and if it is a flood tide
3 you can slow your ship down and get properly lined up
4 for the bridge at least two or three ship's length
5 away. But with the strong ebb you are never at any time
6 lined up with the bridge, you are on a continual swing
7 to port, and the ship is never steady until you are
8 actually in the draw. It only takes four or five seconds
9 for a 400 or 500-foot ship to be clear of the draw
10 itself.

11 I might mention on this point that when a
12 ship of any draught is closer to the one pier or another,
13 particularly close to the bridge, there is a hydraulic
14 action set up, as explained in the Panama Canal
15 pamphlet, and that will tend to pull the ship to that
16 side to which it is closest, and nine times out of
17 ten the ship is always closer to the protection work
18 and hence the ship is drawn even closer by that hydraulic
19 action set up, according to the Panama records. We
20 have found that too at the railway bridge.

21 MR. LANGLOIS: In order to get this clear,
22 when I asked that first question I stated, your lordship,
23 that it was taking ships downstream only, but I under-
24 stand that at that season there is no flood current,
25 the river is ebbing all the time.

26 Q. Now you line or try to line your ship up
27 for the bridge. Now, what is the speed of the current?

28 A. Well, possibly 5 knots. It may average
29 six or seven knots at freshet time. But even with the
30 ordinary tide with the long run out it might run up to



1 five knots, four and a half knots.

2 Q. Would that current be on the port or
3 starboard?

4 A. Approaching the bridge?

5 Q. Yes, as you made your turn?

6 A. You are on a continual swing.

7 Q. At the beginning of your swing, on which
8 side would you have the current?

9 A. You wouldn't have too much current on
10 either side as you were making your swing, although the
11 tide does set to the north all the time. The current
12 might be on your port bow.

13 Q. While it is making a starboard alteration
14 of course?

15 A. Yes, or making a port alteration of
16 course.

17 Q. No, going out?

18 A. I see what you mean. That is correct.

19 Q. What would be this alteration of course
20 to starboard? Would it be the same as on the way up,
21 about 35 degrees?

22 A. About the same.

23 Q. Now, yesterday we had an engineer from
24 the Department of Public Works who filed what he called
25 a flow test of the current at that spot on the river.
26 Would you agree that the currents there are parallel
27 to the centre line of the river?

28 A. No, sir, I wouldn't agree with that.

29 Q. I am showing you here Exhibit 165,
30 containing a photograph of this section of the river.



1 It is, my lord, listed as Exhibit No. 9 to
2 the brief of Crown Zellerbach Building Materials Limited.

3 Would you explain to the Court what the white
4 part close to the photograph indicates?

5 A. That is turbulence and small cross currents
6 being set up, by the Public Works, where you see these
7 flashing white lights. These are **groins**, and the
8 **confluence** of the two currents coming from the Sapperton
9 Channel.

10 Q. Would you say that this represented
11 normal conditions with the ebb tide?

12 A. To a lesser degree. I think this must
13 have been taken at freshet time, but to my knowledge,
14 and it has been my experience, those things happen on
15 a strong ebb tide, outside of the freshet season.

16 Q. Captain Gilley, yesterday mention or
17 reference was made to restrictions recommended by your
18 Pilots' Committee, and reference was made to one
19 accident in 1957. Would you tell the Commission what
20 happened on that occasion? I think the ship was the
21 Kavadoro?

22 A. Well, I am not too familiar as one of
23 the other pilots; I didn't get too much information from
24 him. But it had been discussed in the office on a
25 number of occasions before these recommendations were
26 made, and being that particular type of ship, I think
27 possibly she might have been 500 feet long -- I have
28 been on board the ship myself on two other occasions -
29 and he wasn't able to get the ship in the proper position
30 to get through the south side of the draw, and I believe



1 the starboard counter of the ship scraped the protection
2 work on the main swing span. Outside of that, I don't
3 think there was any actual damage done to the ship, to
4 my knowledge.

5 Q. Have you yourself, Captain Gilley, had,
6 as was described yesterday, a near miss in taking ships
7 through this bridge?

8 A. Yes, sir, I have had several.

9 Q. Would you tell the Commission what
10 happened exactly?

11 A. I find myself that there is a definite
12 set to the north, and you try to allow for that set
13 and then try to get the bow of the ship clearing the
14 pier on the port side so that your stern will clear the
15 protection work on the other side, and it is just a
16 question of knowing how much to allow for that set,
17 because I have been spoken to by masters being on the
18 bridge at the time, and he said: "My God, pilot, you
19 are going to hit the pier on the south side," because
20 to allow for it you have to practically head for the
21 pier on the south side. But knowing that she is going
22 to fall off, you know it is going to clear the pier on
23 both sides. The masters don't like the look of it any
24 more than I do at freshet time.

25 I have been on a number of transits where I
26 have been piloting through the Fraser River Railway
27 Bridge, and I have had the same experience nearly every
28 time during freshet months and several near misses.
29 You don't have time to run to the starboard wing to see
30 whether or not the stern of the ship is coming along



1 with you or not; you are still amidships watching for
2 that hydraulic action which sets up.

3 Q. Captain Gilley, have you had one of those
4 near misses with a Park ship once?

5 A. Yes, sir.

6 Q. Would you tell the Commission when this
7 happened, and what occurred on this occasion?

8 A. I believe it happened around the year '46,
9 '47, or '48. I didn't make any record of it at the time,
10 because it was just one of those near misses which I
11 have quite often, and I made no particular note of it.
12 It was with one of our Canadian Park ships, built during
13 the war. I was bringing him down from Fraser Mills with
14 a fairly strong ebb, and about three ship lengths, 1500
15 feet, or 1400 feet easterly of the span opening the
16 ship didn't seem to answer her helm at all, and I kept
17 calling for more port helm, to keep away from the protection
18 work. The man at the wheel said: "She is hard over",
19 and we were up on top, on the upper bridge, so we had
20 a good perspective, and I said: "Are you sure she is hard
21 over"?, and he said "Yes sir". So the captain of the ship
22 went to the quartermaster's assistance, and put his
23 weight on the wheel, and said "Yes, she is hard over",
24 and still she was not answering the helm, and she was
25 heading for the protection work of the swing span.

26 About ten seconds later she started to
27 come with her port helm, and I said "Amidships", then
28 "Steady", and she took a dive for the south pier, and I
29 said "Hard astarboard", and the captain, the two of
30 them, made sure that she was hard astarboard. She zig-zagged



1 through the span. It was later found out that the ship
2 was drawing a foot more water than there was actually
3 there at the present time. We used to have shoalings
4 at that spot, and although I went up with a Department
5 of Public Works survey boat the day before, and it was
6 sounded by hand line, and there was supposed to be 23
7 feet of water at that particular stage of the tide the
8 day we came down with that ship, it turned out there
9 was only 21, and the ship was drawing 22. The ship was
10 drawing a foot more water than was actually under the
11 ship. Consequently that is why she was not steering
12 well, and was carried zig-zag through the bridge.

13 It was quite an experience for the master and
14 myself. I wouldn't want to do it again.

15 Q. Who was the master?

16 A. I believe it was Captain Clayton.

17 Q. Have you ever been asked, Captain Gilley,
18 by masters of ships going through this bridge for them
19 to take over the conning of the ship?

20 A. No sir.

21 Q. Have you ever received any comments from
22 these masters after you have had one of these near
23 misses?

24 A. Yes, I think I have had several that
25 say that is the last time they want to see that bridge
26 again, but I think one or two of them have come back and
27 gone through the same thing again.

28 MR. JACQUES: This last comment made by
29 the pilots is strictly hearsay evidence.

30 ---A short recess.



1 Q. Captain Gilley, a few additional questions
2 regarding the Fraser Bridge. Would you tell the
3 Commission how many transits you have made of that
4 bridge in your experience as a pilot on this river?

5 A A. I have a record of 800 transits through
6 the Westminster Railway Bridge.

7 Q. Do you consider it is sufficient
8 experience?

9 A. Well, I have never come through that
10 bridge to my own satisfaction, but the ship has always
11 come through.

12 Q. How many tugs are there available in
13 New Westminster to assist ships going through the bridge?

14 A. The tugs based in New Westminster?

15 Q. Yes?

16 A. Well, they vary in horsepower.

17 Q. To assist vessels all the time?

18 A. Three.

19 Q. Would you mind telling the Commission
20 what horsepower these tugs have?

21 A. I believe one is 650 to 700 horsepower,
22 and the others are a little lesser, not too much less
23 though. I don't know the exact horsepower of the other
24 two.

25 Q. Since reference was made to the "Argyll"
26 yesterday, would you consider these tugs powerful
27 enough to handle the "Argyll"?

28 A. No sir, I don't believe they would be .

29 COMMISSIONER SMITH: How much additional
30 power would be needed to handle the "Argyll"?



1 THE WITNESS: I don't know what power they
2 are using in Vancouver, Commissioner, but to handle a
3 loaded ship of that class I would like to see a thousand
4 to twelve hundred horsepower in one tug alone.

5 Q. I show you here a letter dated August
6 2, 1960, written to the New Westminster District Pilotage
7 Authority, from the Ropner Shipping Company Limited.
8 Do you have any knowledge of this letter?

9 A. Yes, I believe I read the contents before.

10 MR. LANGLOIS: I would like to file this
11 letter. My lord, to this letter is annexed a question-
12 naire. This letter had to do with the suggestion to take
13 these everything aft ships through the bridge, provided
14 they had a conning platform on the forward mast, and
15 this company was asking the pilots in this letter what
16 they thought of it, and they had a questionnaire asking
17 them to elaborate on their reply. Now, I wish to file,
18 my lord, the reply to this letter, which is dated
19 August 15, 1960, addressed to the Ropner Shipping Company
20 Limited by the Chairman of the New Westminster Pilots'
21 Committee. Your lordship will note that although the
22 letter was addressed to the Pilotage Authority, the
23 reply to the letter was sent by the Pilots' Committee.

24 THE SECRETARY: The bundle will be Exhibit
25 No. 174.

26
27 ---EXHIBIT NO. 174: Letters exchanged between Ropner
28 Shipping Company Limited and
29 New Westminster Pilotage Authority
30 and between the Chairman of the New
Westminster Pilots' Committee and
Ropner Shipping Company Limited,



dated August 2, 1960 and August
15, 1960 respectively.

MR. LEGG: My lord, does my friend have
copies of the exhibit?

MR. LANGLOIS: No.

MR. LEGG: May he read the letter?

MR. LANGLOIS: I intended to do so my
lord. The first letter, my lord, was addressed to the
Secretary, New Westminster District Pilotage Authority,
713 Columbia Street, New Westminster, B.C.

"Dear sir,

We thank you for your letter of the
28th July which merely confirms the
position already passed on to us that
your Pilots are not prepared to take a
vessel of 'Wandsby's' size with bridge
aft up to Fraser Mills.

In our letter of the 16th June we
possibly did not state strongly enough
our desire to have 'Wandsby' acceptable
to your Pilots for Fraser Mills. To this
end we are prepared to extend the mast
construction midships to make an effective
bridge in that area. The information we
still require is exactly what you need as
a minimum in this respect.

From what you have written it
would appear that we must at any rate
consider an extension of the mainmast
crosstrees to a point very close to the



1 ship's side. We should presumably
2 have to place a small house on the
3 crosstrees at the centre point and make
4 the extensions of convenient dimensions
5 for the Pilots' use.

6 We attach a detail questionnaire
7 and shall be pleased to have your reply
8 as soon as possible."

9 The questionnaire I would suggest, my lord,
10 for the benefit of my learned friends, I read the
11 questions and give the answers by the pilots as contained
12 in their reply under date of August 16, 1960.

13 The first question was, first you had an
14 opening paragraph: "It is assumed that the mainmast
15 crosstrees are extended and developed to form a small
16 midship bridge structure". Question number 1: "How
17 close to the ship's side is it necessary for the plat-
18 form to extend?

19 The answer to that: "It would be necessary
20 for the platform to extend to not less than ten feet
21 of the ship's side".

22 Question number 2: "Would a fore and aft
23 dimension for the platform of 4 feet at the wings and
24 6 feet at the centre be adequate?"

25 The answer to that was: "A minimum fore and
26 aft dimension of the platform at the wings of 4 feet
27 would be satisfactory. The fore and aft dimension
28 of the platform at the centre line should be sufficient
29 to accommodate an enclosed wheelhouse of not less than
30 8 feet by 8 feet".



1 Question Number 3: "We propose open rails for
2 the main part of the platform and a small house on the
3 centre line. Is this satisfactory?"

4 The answer to that was: "Open rails for the main
5 part of the platform would be satisfactory".

6 Question number 4 was: "Will it be adequate to
7 have efficient telephone communication with the main
8 wheelhouse or do you require more direct control from the
9 new bridge?"

10 The answer to that was: "Direct control of the
11 ship is necessary from the new bridge or platform".

12 Question number 5: "In the latter event please
13 list your requirements, eg.

14 telephone to wheelhouse

15 telegraph

16 helm indicator

17 r.p.m. indicator

18 wheel.

19 (You will appreciate that the more of these
20 items which you require, the more expensive would the
21 conversion be and we ask you therefore to give us the
22 minimum list)"

23 The answer to that question was: "The following
24 is a list of requirements for control of the ship from
25 the platform:

26 a. telephone communication to the forecastle
27 head and after poop. Also to the main bridge.

28 (In case of failure of the platform controls
29 and to communicate with an officer at the radar
30 screen in conditions of poor visibility).



- b. A telegraph to the engine room.
- c. A helm indicator.
- d. An R.P.M. indicator. (optional)
- e. Steering wheel.
- f. A gyro repeater.
- g. The wheelhouse should be fitted with sufficient windows so as to allow all round visibility.
- h. An adequate stairway from the main deck to the platform should be fitted.
- i. There should be a clear passage through the wheelhouse with a minimum fore and aft clearance of three feet, preferably forward of the wheel and telegraph.
- j. The wheelhouse windows on the forward side should be of the opening type.
- k. The wheelhouse should have doors on both sides and in line with the clear passage through the wheelhouse.
- l. The wheelhouse should be heated."

And number 6 was: "Please list any other requirements which you may have to make the vessel suitable for this passage".

There was no answer to this, because there were no further requirements my lord.

And the reply to this letter goes on: "While the pilots do not pretend to advise naval architects on construction of ships, we sincerely hope these suggestions will help you to reach a solution to this problem.

We also wish to advise you that as long as



1 the New Westminster Railway Bridge remains in **its**
2 present condition, current and tidal conditions being
3 as they are, the pilots have set a maximum length of
4 525 feet, breadth 72 feet on ships that they feel can
5 pass safely through the New Westminster Railway Bridge.

6 Yours very truly,

7
8 CHAIRMAN
9 NEW WESTMINSTER PILOTS'
10 COMMITTEE"

11 My lord, since we have no spare copies of
12 these letters would it be possible to have photo copies
13 made and return them?

14 MR. JACQUES: And they will be returned
15 to whom?

16 MR. LANGLOIS: To the Pilots' Committee.
17 One letter is addressed to the Pilotage Authority, but
18 it was turned over to the Pilots' Committee, and the
19 reply to this letter came from the Pilots' Committee,
20 so it is in the file of the Pilots' Committee.

21 Q. So, would **you** say Captain Gilley that this
22 represents the position taken at that time by the
23 pilots?

24 A. That is correct.

25 Q. Do you care to comment on this exchange
26 of correspondence?

27 A. We felt that although it might be a
28 more or less expensive suggestion, we felt that was the
29 minimum of requirements we could ask for to put a
30 pilot in a conventional spot aboard the ship where his
vision would not be obscured, and we felt that it would



1 be a solution with that bridge aft type ship in transit
2 to Fraser Mills and berths above the New Westminster
3 Railway Bridge.

4 I don't think I have anything further to add
5 to that.

6 Q. Now, coming back to your brief Captain
7 Gilley, mention was made of the freshet seasons. Would
8 you tell the Commission how long does the freshet season
9 last, as an average?

10 A. Well, on many occasions it has been my
11 experience to notice that starting April 15th or there-
12 abouts the river would start to rise at Mission, and
13 continue through May, June, July, August, and into
14 September on some occasions. A period of at least four
15 and a half months, and sometimes nearly five months
16 before you get a slack water at New Westminster Railway
17 Bridge.

18 THE CHAIRMAN: Just for the record, you
19 often mention the word "Mission". Where is that?

20 THE WITNESS: Mission is located approximately
21 30 miles east of New Westminster. That is where the
22 official readings take place during the freshet months.

23 Q. In Paragraph 21 you mention that: "---the
24 channel is constantly shifting; plans are received from
25 Department of Public Works, when ships are to be piloted
26 in this area" ---

27 A. Which Paragraph?

28 Q. Paragraph 21, where you describe the
29 channel above Port Mann, which is the letter "O" on the
30 charts. Are these sounding plans available at all times?



1 A. Not to my knowledge. If we get a request
2 to take a shallow draught vessel up there, we ask the
3 Department if they have any late soundings on that area.

4 Q. Could you use your depth sounder in that
5 area?

6 A. The depth sounder aboard a vessel?

7 Q. Yes.

8 A. I think that would be impractical.

9 Q. Why?

10 A. Well, on account of most times the tide
11 is ebbing, and if your vessel is travelling at a speed
12 of 10 knots and a 5 knot current, he has got to travel
13 that speed to get anywhere going up there, and by the
14 time you found a shoal spot on your recorder you would
15 be aground, because the bars form and make up very
16 swiftly. From a depth of 30 feet, in the next 100
17 feet you might be into ten or twelve feet of water.

18 Q. Do you mean by that that when your depth
19 sounder would record silting that it would be too late,
20 that your ship would be aground?

21 A. It definitely would be, yes.

22 THE CHAIRMAN: Excuse me. Before you go
23 any further, I gather from your testimony yesterday
24 that it is very seldom that you go over that area,
25 Queen's Reach?

26 THE WITNESS: That is correct your lord-
27 ship.

28 THE CHAIRMAN: And your turning point
29 when you are heading back down the channel, when you
30 come from the Fraser Mills piers, it is further down the



1 river, isn't it?

2 THE WITNESS: Our turning point is upstream
3 from Fraser Mills.

4 THE CHAIRMAN: Upstream from Fraser Mills,
5 but further down from Queen's Reach?

6 THE WITNESS: That is right.

7 Q. Now I come to the heading of "Tides and
8 Currents", on Pages 4 and 5, Paragraphs 22 to 25. In
9 Paragraph 22 you talk about summer snows. What do you
10 mean by that?

11 A. That could have been winter snows, melting
12 in summertime. That was the intention, that the winter
13 snow melts in the summer, and causes the freshet.

14 THE CHAIRMAN: Mr. Renwick protests
15 strongly that there is no summer snow in B.C.

16 Q. We were on the subject of snow in New
17 Westminster during the winter months. Do you get snow
18 storms there during the winter months?

19 A. Yes, we do get severe snow storms. It
20 doesn't last too long, but for a period of three or four
21 days we might get a depth of 18 inches, and at other
22 times it is 6.

23 Q. And your visibility would be severely
24 impaired during these snow storms?

25 A. It definitely would be.

26 Q. Now, his lordship mentioned that that
27 is what he had in mind when he said that it is very
28 seldom that you go above Queen's Reach. Have you ever
29 taken a ship to Mission City?

30 A. Not as a pilot, no sir.



1 Q. Are ships going up there with pilots?

2 A. They did on one occasion to my knowledge,
3 in the flood of '48.

4 THE CHAIRMAN: That is what I gathered
5 yesterday.

6 THE WITNESS: They had a small navy
7 craft.

8 MR. LANGLOIS: I am instructed that some
9 other ships went up there, but naval ships only, no
10 commercial ships my lord.

11 Q. At the end of Paragraph 24 you state:
12 "Of course as the reading continues to rise now slowly,
13 the currents become very vicious indeed and although
14 there is a good depth of water, the ships must travel
15 more cautiously than normally as water level is very
16 close to causing flooding of the low lands west of
17 St. Mungo's Bend.

18 What do you mean exactly by the currents
19 becoming very vicious?

20 A. Well, the currents become more vicious.
21 You get more turbulence and particularly we are speaking
22 about the freshet months here. You will get back eddies
23 forming a distance of possibly a hundred to two hundred
24 feet from the edge of the bank, and on occasions when
25 you are docking the ship you will notice the back
26 eddies and the turbulence to a certain degree.

27 Q. Now, in Paragraph 25 you refer to mud
28 and sand deposited everywhere and anywhere. Are you
29 constantly informed by the Department of Public Works
30 of this sedimentation?



1 A. Are we informed by them?

2 Q. Yes, on a constant basis, or continuously?

3 A. Yes, most times we are informed by them,
4 but other times we find it out by trial and error.

5 Q. Are there notices to shipping and to
6 mariners issued on the subject?

7 A. Well, not to my knowledge, but we get
8 notices of obstructions, and from the Department of Public
9 Works we get the quarterly plans and the semi-annual
10 large scale plans.

11 Q. Is this silting of such a magnitude that
12 aids to navigation will have to be altered at times?

13 A. That is correct.

14 MR. LANGLOIS: My lord, in this respect
15 I refer your lordship and the Commission to the caution
16 that you will find on charts 3431 and 3430, and which
17 reads as the bottom of 3431, it is right at the bottom
18 centre of the chart: "Caution. **Depths** shown on this
19 chart are subject to change as a result of silting,
20 **scowing**, and dredging. Aids to navigation are altered
21 to suit conditions".

22 The same warning is on the other chart too,
23 at the top left-hand corner, and it is exactly the same
24 wording .

25 I also in passing, my lord, refer your lordship
26 to the notes on the chart on currents.

27 THE CHAIRMAN: Yes, I have seen it.

28 MR. LANGLOIS: On both charts.

29 Q. Now we come to the heading of "Weather
30 and Year Round **Port**". In Paragraph 26 you make



1 reference to the fog and dirty winter nights. How
2 frequent would you have fog conditions and weather that
3 would impair your visibility?

4 A. Well, our winter season might start in
5 the first week in October, and carry through till March,
6 so you can expect fog or rain or that type of conditions
7 right through for a period of six months.

8 Q. What about weather forecasts. Are they
9 regular, and are they made available to you?

10 A. We listen in to the local news and get
11 the weather from that. I think most pilots do, but
12 there is a broadcast I think at eight o'clock at night.
13 If we happen to be on the pilot boat and pick it up on
14 that particular band, they give you a very good fore-
15 cast for the following twenty-four hours. That is
16 about the only one I listen to,

17 MR. LANGLOIS: At this point my lord I
18 wish to draw your lordship's attention to the by-laws
19 of this District, where no detention is paid on account
20 of stress of weather, whilst in the British Columbia
21 District detention is paid on account of unpredicted
22 stress of weather. I take it, my lord, that the amend-
23 mend to the B.C. Pilots By-laws was brought about
24 because we encounter here on this coast a lot of this
25 unpredictable weather.

26 THE CHAIRMAN: Was an amendment requested
27 about that?

28 MR. LANGLOIS: Not yet, my lord.

29 Q. Whilst we are on the subject of detention,
30 Captain Gilley, how often are you detained on board



1 vessels or on board the pilot boat on account of stress
2 of weather? How frequently does that occur?

3 A. I find that difficult to answer, but it
4 happens very frequently on account of stress of weather.

5 Q. Let me put it this way to you. What has
6 been the longest passage from the pilot station to, say,
7 New Westminster here?

8 A. Five days at one time, I believe.

9 Q. Five days at one time, on account of
10 weather?

11 A. That is correct.

12 COMMISSIONER SMITH: To go how many miles?

13 THE WITNESS: Twenty-six.

14 Q. When you are detained on board pilot
15 vessels on account of stress of weather or other reasons
16 that the ship is delayed, is this detention recorded
17 anywhere?

18 A. No, I myself have not kept that record.

19 Q. So the records kept showing the time spent
20 by a pilot on board a vessel do not take into account
21 detention on board the pilot boat?

22 A. No, **they do not.**

23 Q. What is the longest detention or delay
24 you have had on board a pilot vessel?

25 A. Forty-eight hours at one time.

26 MR. LANGLOIS: My lord, in passing, I
27 wish to ask your lordship to note that no record of that
28 is kept anywhere, and in this workload, these workload
29 figures which were filed yesterday this was not included.

30 THE CHAIRMAN: Yes, it was stressed yes-



1 terday, and you do well to make the remark again for the
2 record.

3 Q. Now, you state in the same paragraph,
4 No. 26, that 90 per cent of the pilotage is done in
5 the dark hours. What is the reason for this?

6 A. Well, most vessels try to get their load-
7 ing done during the daytime and they hope to finish up
8 at five o'clock in the afternoon so that they won't have
9 to pay the longshoremen overtime. I think they work to
10 that end, because there are many ships which finish up
11 at five o'clock and six o'clock, and the distance between
12 New Westminster, Victoria, Nanaimo, Chemainus and Crofton
13 is not too great, so the ship will sail from New West-
14 minster when he has finished with his cargo at five
15 o'clock and he will arrive at the port another five or
16 six hours later, and he will arrive in the morning for
17 the longshoremen to start working again. But when the
18 ship is loaded at five o'clock and the tide is not suit-
19 able, there might be four or five hours delay on account
20 of the tide and conditions on the river, but he
21 usually tries to arrive at his destination by eight o'clock
22 the following morning.

23 Q. What do you do when you have a ship that
24 is ready to sail, say the ship is ready at six o'clock
25 and you would have to wait until eleven o'clock for the
26 tide. When would you go on board ship in a case like
27 this?

28 A. We would advise the supercargo or our
29 office that the ship is unable to sail until tidal
30 conditions are right, and we would go on board at the



1 sailing time we had set up.

2 Q. If the sailing was to take place at four
3 o'clock in the morning, would you go on board that ship
4 and sleep on board to be in readiness to sail at four
5 o'clock?

6 A. I have done that on occasions.

7 Q. When you do that, what time do you put
8 on the pilot's card? Is it the time you board ship or
9 the time she actually sails?

10 A. The time the ship sails.

11 Q. And if at four o'clock in the morning you
12 have foggy conditions, what would happen? Would you
13 remain on board?

14 A. We would remain there if the tidal con-
15 ditions warranted that the ship could sail during the next
16 ten or fourteen-hour period.

17 Q. Are you requested to remain on board in
18 these circumstances or are you allowed to go home and
19 wait for the weather to clear before you report back to
20 the ship?

21 A. There is an average there. Sometimes we
22 are requested to stay on board, and other times we might
23 tell the master if it is all right with him we will slip
24 ~~uptown~~ and have some breakfast, in the meantime keeping
25 our eye on the weather all the time, only being five
26 minutes away from the ship.

27 Q. Do you consider you are on duty as a pilot
28 in those circumstances?

29 A. Well, it is a service we give the ship.

30 Q. Is there any record kept of the time spent



1 waiting for the weather to clear, waiting for the tide
2 to be suitable, any record kept in the pilotage office?

3 A. No, not in our office.

4 THE CHAIRMAN: I gather that the reason
5 for that is that the records of the time are being kept
6 only for computation of the charge, and there being no
7 charge on those items, there is no record kept of that?

8 MR. LANGLOIS: I am not complaining about
9 the system either. I just want to put on the record
10 that those figures given representing the workload really
11 mean nothing.

12 THE CHAIRMAN: And for the same reason I
13 am trying to clear up why it is not done, not to put
14 blame on anybody.

15 Q. Now we go to the heading "Navigation
16 Problems", Paragraphs 28 to 32, Pages 5 and 6 of the brief.

17 Would you say, Captain Gilley, that the
18 information contained in those paragraphs gives an
19 accurate description of the navigation problems in your
20 district?

21 A. Let me just refresh my memory. I will
22 read it through. Yes, I think that is a fairly accurate
23 description.

24 Q. Do you have anything to add to what
25 is already stated there?

26 A. I think that covers it fairly well.

27 Q. In Paragraph 31 you mention the presence
28 of gillnet fishing boats. Would you tell the Commission
29 if these gillnet fishing boats carry at all times proper,
30 regulation navigation lights?



1 A. No, they do not at all times. There are
2 quite a few infractions. Many times there are boats
3 without lights of any description whatsoever.

4 Q. What is the average size of these vessels?

5 A. They are usually gillnetters about 24 to
6 28 feet long.

7 Q. Are these gillnet fishing boats manned
8 by qualified mariners?

9 A. Well, it has been my experience that there
10 are quite a few of them that possibly have never been
11 aboard a boat before. That was brought out in testimony,
12 when a ship a few years ago fouled one of the gillnet
13 fishing boats, and one of the occupants of that boat
14 was lost and the other was fortunate enough to save him-
15 self by clinging to the anchor which was hanging at the
16 waterline of the ship, and he gave testimony that that
17 was the first time they had been on board a boat, and
18 they went out for laughs to try to make some money. All
19 they need is a fishing licence, and they get that for
20 a dollar, and they go to sea.

21 Q. They are not equipped with radar?

22 A. No.

23 Q. So there is no means for them to ascertain
24 the presence of an outbound or inbound ship?

25 A. If they don't hear the whistle of the ship,
26 there is nothing to indicate that a ship might be
27 approaching.

28 Q. Are they themselves equipped with whistles
29 or sirens? I am talking of the gillnet fishing boats.
30 Are they equipped with whistles or sirens or horns?



1 A. No. They might have a horn which they
2 might blow, but I have never heard one in the last ten
3 years.

4 Q. Have you ever been embarrassed yourself
5 by the presence of these gillnet fishing boats?

6 A. Yes, I have. On one occasion it was
7 my misfortune to run one down two or three years after
8 I started here. The ship wasn't able to stop, although
9 we were only proceeding at slow speed, possibly at 4
10 knots. The fishermen were in extra numbers at that
11 particular time, and I saw that the fisherman had his
12 net right across the channel and there was no room to
13 manoeuver, the channel being only 60 feet wide at that
14 particular spot. So rather than endanger the fishing
15 boat, I ordered the ship to port rather than cut into
16 his net, and he saw what was happening and he started
17 heaving on his net and he pulled his gillnet boat
18 across the stem of the ship and the lookout shouted that
19 it was going to hit him, and it did hit him and split
20 it in two pieces; half went down the starboard side
21 and half went down the port side. But fortunately there
22 was another gillnet boat there, and he cut his net
23 and rescued him. He was in the water not more than two
24 minutes.

25 That is the only encounter I have had with a
26 fishing vessel. But on many occasions the ships are
27 slowed down considerably. I admit it is better since the
28 harbour has had a patrol boat, but it has happened on
29 many occasions, and we have waited to give them a chance
30 to proceed rather than run them down.



1 Q. Are these fishermen consistent about where
2 they go to fish? Would they be using commonly-known
3 fishing grounds, or would they go anywhere?

4 A A. They might fish anywhere from Port Mann,
5 at the head of the deepwater channel, to a mile seaward
6 of the Gulf. You might meet them for the full stretch
7 of 23 miles. You never know exactly where their favourite
8 spot is for fishing.

9 Our particular difficulty is trying to figure
10 out, the pilot trying to discern, now, is that the end
11 of his net or boat. On other occasions the fishing
12 boat will be idling and you think there is another net
13 across there and you give him warning. The nets in the
14 river are 150 fathoms and outside they are 250 fathoms in
15 length. But it is very difficult to try and figure out,
16 particularly after dark, what are nets and what are
17 boats.

18 I don't think I have anything further to add
19 to that.

20 Depending mostly on tidal conditions and wind,
21 they will pay their net out, not always the 150 fathoms
22 but depending on tidal conditions. It is hard for a
23 pilot to figure out just which way that fisherman is
24 facing at the time or where he is lying after dark.

25 Q. Do you mean to say that if you see a
26 fishing boat with running lights on there is no indication
27 to show which side the nets are out?

28 A. There will be a white light. Some turn
29 their navigation lights out, but there will still be a
30 net out. There is no indication on which side the net



1 is out.

2 Q. These nets are as long as 900 feet in
3 length?

4 A. That is correct.

5 Q. What about tugs towing rafts, log booms?
6 What would be the average length of the tow?

7 A. Oh, some of them to my knowledge run up
8 as high -- the tow itself would be 2,500 feet long
9 without the tow line, and there would be approximately
10 45 sections in a string. With a tow that long it would
11 probably try to have a short tow line, but they may
12 have 400 or 500 feet out, sometimes longer.

13 Q. Would it be possible that sometimes the
14 tow will be at an angle to the towing tug, depending
15 on the current?

16 A. What do you mean by that?

17 Q. Would it happen, say, with the tide
18 heading in this direction on account of the current that
19 the tow is at an angle to the tug?

20 A. Oh, yes, that happens frequently.

21 Q. How would you determine which side that
22 tow is in the dark?

23 A. Well, that is a problem half the time,
24 to figure out which side the tow is lying on.

25 Q. Would you be able to pick up that tow
26 on your radar screen?

27 A. Yes, on a number of occasions.

28 Q. Would you be able to do that at close
29 range with a light ship with the scanner aft?

30 A. No.



1 Q. Would this be true also of the small
2 fishing boats low in the water?

3 A. Not at close range. There is not a good
4 echo given.

5 Q. Now, in Paragraph 32 you mention that
6 navigational buoys go adrift. Does that happen very often?

7 A. Yes, in an extreme freshet. Even the
8 freshet doesn't have to be extreme. It all depends how
9 much drift comes down with the freshet and fouls the
10 buoys and then the drift piles up on the buoy and
11 something has to go and it takes off or drags the anchor
12 out of position. That happens frequently in freshet
13 months.

14 Q. Do I take it that during the freshet
15 season when it is a frequent occurrence that buoys go
16 adrift the pilots on this river would not rely on the
17 buoys at all?

18 A. Yes, that has happened; that is quite
19 correct.

20 Q. At this point we come to the Pilots
21 Stations, and that has been referred to yesterday by
22 my learned friend, Mr. Jacques.

23 I pass now to Paragraph 34, under the heading
24 of "Pilot Boat".

25 COMMISSIONER RENWICK: Mr. Langlois, could
26 I ask a question?

27 MR. LANGLOIS: Yes.

28 COMMISSIONER RENWICK: I understand,
29 Captain Gilley, that the log tows at night have to carry
30 a tail light at the end of the tow?



1 THE WITNESS: Yes, they do. The tows
2 usually conform, unless they have had rough weather out-
3 side and have not been able to put one out again, the
4 light has been carried away. With rafts of any great
5 width, they have a light on each side of the tow.

6 Q. The pilot boat, now, Paragraph 34, Pages
7 6 and 7. Could you, Captain Gilley, give a resume to
8 the Commission of the history of your pilot boat, starting
9 with the time when the Pilotage Authority of New Westmin-
10 ster owned the pilot boat, operated the boat, until the
11 present date?

12 A. Well, the first pilot boat that was built
13 by the Pilotage Authority was constructed in 1933. It
14 was built locally, and it was a very good vessel. Then
15 business began to pick up around 1936; as a matter of
16 fact, we had one of our record years in 1936 or 1937,
17 and the Pilotage Authority decided to build another boat
18 at that time. That is the present Canada Pilot, but at
19 that time she was named the Fraser Pilot No. 1. So that
20 was constructed in 1937, and we did for a short period
21 operate two pilot boats.

22 At that time the pilot boats were each manned
23 by one man only, the captain. Then the original boat
24 constructed in 1933 was sold, and the present Canada
25 Pilot No. 24 is the boat we still retain. The pilots
26 paid for the building of the pilot boats. I have shared
27 in the building of the first one and the second one.

28 Then in 1958, by order of the Steamboat Inspectors,
29 Steamship Inspection Service, the D.O.T. said that our
30 present pilot boat must be classified as a Class 3



1 passenger vessel, so she was sent in and refitted to the
2 standard of a passenger vessel; and instead of the one-
3 man crew, which we had previous to that time, we had to
4 put on a deckhand with the captain and have two crews,
5 there were two captains and two deckhands, so they could
6 alternate. In 1958 the boat was re-engined and more power
7 put in her and reconditioned and practically rebuilt at
8 the expense of \$25,000.00, and the following year she
9 was taken over by the Department of Transport, November,
10 1959.

11 I don't know what else you want me to add to
12 that, sir.

13 MR. LANGLOIS: My lord, I have here a
14 copy of the Order In Council authorizing the taking over
15 of the boat.

16 MR. JACQUES: It has been filed already;
17 it is in the records.

18 THE CHAIRMAN: Do you recall the exhibit
19 number?

20 MR. JACQUES: It has been filed in Saint
21 John, New Brunswick.

22 THE SECRETARY: I believe it is exhibit
23 52, filed in Saint John on February 15th, Treasury
24 Board Minutes 545571, August, 1959.

25 MR. LANGLOIS: Yes.

26 Q. You stated, Captain Gilley, that the
27 boat was classified as a Class 3 passenger vessel. In
28 what waters was that?

29 A. Minor waters.

30 Q. And she is classified to carry how many



1 passengers?

2 A. Six.

3 Q. Do you know if the vessel is certificated
4 to carry passengers other than pilots?

5 A. No, she is not.

6 Q. Is it so indicated on her Certificate
7 of Inspection?

8 A. I believe so. I am not sure on that
9 point.

10 Q. I see in your brief here that you are
11 recommending that an additional pilot boat be provided.
12 Would you briefly outline your reasons for having this
13 additional boat, for asking for this additional boat?

14 A. Well, the reason we request another pilot
15 boat is that there are so many times down there that
16 there might be four or five of our own pilots aboard
17 and the pilot vessel will have to wait outside as many
18 as five or six hours to see that these other pilots
19 are boarded. It is the vessel that is also used by
20 the B.C. Coast Pilots. They use it to disembark when the
21 Fraser River pilot gets on board.

22 They also spend some time on the pilot boat,
23 but I feel that a second vessel is needed, and it wouldn't
24 put in, so we wouldn't have to put in so many hours
25 on standby time down there when we have been free
26 of our duties, or commitments, three or four hours
27 ago. We still must remain out there and wait for the
28 other pilots to join or disembark from their ships.

29 Q. Do you mean to say that at times you
30 could have more than five or seven pilots on the boat?



1 A. I have seen a few more than that, although
2 the vessel is licensed to carry only six.

3 Q. I take it then that if she is licensed
4 to carry only six, she will have lifesaving equipment
5 for only six?

6 A. I think that is correct.

7 Q. In your opinion is that boat properly
8 stored, and by whom if it is?

9 A. It is stored by the pilots. The boatmen
10 look after it themselves.

11 Q. Do you mean to say that the victuals on
12 board the boat are provided by the pilots?

13 A. That is correct sir.

14 Q. Is it paid for by the Pilotage Authority,
15 or by the pilots individually?

16 A. It is paid for by the pilots individually.

17 Q. How much would an individual pilot be
18 called on to pay for a month for example to place
19 proper victuals on the boat?

20 A. Oh, I think at one time it used to
21 run around five or six or seven dollars per man.

22 Q. Per man per month?

23 A. That is correct.

24 Q. Are you charging these expenses to your
25 cost of pilotage?

26 A. No sir.

27 Q. Pilots do individually bear this addition-
28 al expense?

29 A. We do. At one time we did supply food
30 for all the boat crew, of which there are six, but that



1 has been discontinued, and now we just put dry stores
2 aboard for the pilots' convenience, or for the boatmen
3 if they want tea or coffee, but we don't fully store the
4 boat. We just take on the essentials at our own expense.

5 Q. Do you mean to say that even after the
6 taking over of the vessel by the Department of Transport
7 you are supplying dry stores to the vessel?

8 A. Yes sir.

9 Q. Then I understand the crew of this pilot
10 boat must be shore-based?

11 A. They are shore-based.

12 Q. But still no stores were provided when
13 they had to be out outside of meal hours at night?

14 A. No, that is correct.

15 Q. So, Captain Gilley, if I understand your
16 testimony correctly, when the D.O.T. took over the boat,
17 the pilots weren't reimbursed for the money that they
18 had put into the vessel, for construction or refit.
19 The D.O.T. merely paid the balance of the loan at the bank
20 at the time?

21 A. That is correct sir, and I might also add
22 that they were never reimbursed for the property which
23 was turned over to the D.O.T. The property that was in
24 the pilotage name at Steveston. The mooring station for
25 the pilot boat. They were not reimbursed for that, and
26 it was constructed by the pilots at considerable expense
27 a number of years ago, the mooring station, and I believe
28 the property, I couldn't estimate the value, I am not
29 qualified to do that, but I believe it was two fifty
30 foot waterfront lots at Steveston, and I imagine the



1 property is quite valuable at the present day.

2 Q. What do you mean, property? Are you re-
3 ferring to land, or a building, or to both?

4 A. No, it is just waterfront lots. We did
5 put some sheet piling on there a number of years ago,
6 to protect the pilot boat from the heavy seas that used
7 to sweep across the Steveston Bar, and I think we spent
8 at least five or six thousand dollars on that work.
9 That was construction we actually did, and the float.

10 THE CHAIRMAN: But I gather from the brief
11 that there is no complaint about that, and that there is
12 no request. It is a deal that had been completed and
13 is in effect now, so we don't know all the parts, the
14 various reasons that may have brought that about, and
15 I suppose it was satisfactory to all concerned, because
16 it was accepted.

17 MR. LANGLOIS: Well, sometimes my lord we have
18 to accept things that we are not quite in agreement with.

19 THE CHAIRMAN: Yes, but I don't think we
20 should get too much further into the question, because
21 we should also have evidence on the part of the Department
22 of Transport, because they may have had reasons for doing
23 so.

24 MR. LANGLOIS: Yes my lord. Now I am
25 going forward to another subject, and it may be some time,
26 so it might be a good time to adjourn.

27 THE CHAIRMAN: We will adjourn until
28 two o'clock.

29
30 ----At 12:30 P.M. the Hearing was adjourned until 2:00 P.M.



AG 1 ---Upon resuming at 2:00 P.M.

2 MR. LANGLOIS: My lord, before I carry on
3 with my examination, I wish to make a slight correction
4 to a statement I made this morning concerning the amendment
5 to the B.C. Coast Pilots By-laws regarding cancellations
6 on account of unforeseen or unpredicted weather.

7 I am told the amendment to the by-laws has not
8 been passed yet, but an agreement has been reached between
9 the pilots and the Chamber of Shipping, and that the
10 amendment will be forthcoming very shortly.

11 Q. Now, Captain Gilley, coming back to your
12 brief, Page 7, under the heading of "Qualifications, Duties
13 and Standards of Pilots", Paragraphs 35 to 38, both
14 inclusive. What do you consider, sir, is the duty of a
15 pilot?

16 A. The duty of a pilot is to -- he is a person
17 who is qualified to take charge of a ship entering or
18 leaving harbour, or navigating in a river or coastline.
19 In the Act a pilot is a person who is not signed on
20 board the ship but who has the conduct thereof.

21 Q. In your opinion what is a pilot's main
22 responsibility?

23 A. To account to the master in the safe
24 navigation of his ship.

25 Q. Would you include in that the safety of
26 shore establishments or not?

27 A. Yes I do.

28 COMMISSIONER SMITH: Excuse me. I think
29 that the witness perhaps hasn't gone far enough. In my
30 estimation the duty of a pilot in addition to what he



1 says is that he is the expert navigational officer on the
2 ship, but not a member of the crew, who navigates the
3 ship in dangerous and restricted waters, and I think you
4 have to couple the local knowledge and the dangerous
5 navigational problems with the other aspects of the matter.

6 THE WITNESS: I could have added that,
7 Mr. Commissioner, yes.

8 THE CHAIRMAN: So you agree with what Mr.
9 Smith is saying there?

10 THE WITNESS: Yes your lordship I do.

11 Q. In Paragraph 36, Page 7, you mention that
12 a pilot is assigned to duty and must be available at all
13 times. Do you consider yourself on duty when you are on
14 standby duty?

15 A. Yes we are.

16 THE CHAIRMAN: In that sense I suppose
17 that you are not allowed to do what you wish during that
18 time, you are not free?

19 THE WITNESS: You are not free your lordship
20 to do what you would like to do.

21 Q. Mention was made yesterday of the days off
22 that you arrange amongst yourselves. Are you during these
23 days off to be considered as available to be called at
24 all times for duty?

25 A. We are on call at all times, even on our
26 supposedly days off. We are only asking another pilot
27 to work for us in the interval, but we are on call at all
28 times.

29 Q. Am I right in assuming that when this is
30 done the other pilots have to work harder, to take the





1 amount of work that you don't perform yourself?

2 A. Yes, they do my work for me.

3 Q. Has there been any occasion when you were
4 off duty and you had to cancel this short vacation, or
5 this time off duty, and you were called to take over a
6 ship?

7 A. Yes, on many occasions I was called back
8 when I was presumed to be on days off, but I was called
9 back, particularly in the foggy season.

10 Q. In Paragraph 37 you mention the considerable
11 time spent in the office, ascertaining the many and
12 various obligations, and further on, much of the work
13 in controlling and directing the movements of vessels
14 is done by the pilots. Is that what you would describe
15 as the movement control of the shipping?

16 A. Yes, I would describe it that way. It
17 is a service rendered to the ships, although our despatching
18 staff at the office are quite qualified to do most of
19 this, but they always consult the pilot, and he in turn
20 might call the supercargo on the ship and speak to him
21 personally, or he might ask the despatcher to call him.

22 Q. Further on in the same paragraph you
23 mention information given to shipping agents as to the
24 movement of vessels, the time they should sail, and so
25 on. Does that occur very often?

26 A. Yes, it happens frequently when a vessel
27 would like to sail from Vancouver, say, or from one of
28 the Gulf ports, and he might be down to 24 or 25 feet
29 draught, and he would arrive at an unsuitable stage of
30 the tide to bring him in. So our office usually consults



1 the pilot who is next on the rotation list, and asks him
2 what he thinks. Or if the master would like to arrive at
3 his specified time, well we will go down and join him at
4 the Sand Heads, and possibly put him into an anchor for
5 two or three hours wait for a suitable tide, or enough
6 rise in the tide to bring him in. That happens on numerous
7 occasions.

8 Q. Now, in Paragraph 38 on Page 8, you mention
9 unforeseen compulsory retirement at an early age of the
10 pilot. Would you care to further elaborate on what you
11 mean by this?

12 A. Well, I would say that if you have physical
13 disability, or your eyesight is failing, these things
14 might often happen before your normal retirement age,
15 and unless you could be physically fit a hundred per cent,
16 and your vision was a hundred per cent. as prescribed
17 for a man at that age, you would have to retire before
18 your normal time of retirement.

19 Q. Now we come to the heading of "Pilotage
20 Dues", Paragraphs 39 to 40 inclusive, on Pages 8 and 9.
21 In these paragraphs, Captain Gilley, you compare your
22 pilotage revenues to the earnings of unskilled labour,
23 such as linesmen, longshoremen, tug operators, and so
24 on. The figure that you gave, or rather the comparison
25 that you made there, has it been made after you have
26 checked the earnings of these wage earners in the groups
27 mentioned?

28 A. Yes, specifically the tug boat masters
29 and the linesmen and longshoremen. We have an idea of
30 that. We have not got their most recent contract. We



1 have not referred to that. We have a pretty good idea
2 of the scale, but we do have a copy of the agreement of
3 the tugboat masters, Canadian Merchant Service Guild.

4 Q. Is that the same agreement as was filed
5 in Vancouver, or is it another one?

6 A. This is effective October 5, 1961. I believe
7 they are working under that same agreement.

8 MR. LANGLOIS: I am informed, my lord,
9 that this is the same agreement that was filed in Van-
10 couver.

11 Q. In Paragraph 40 would you explain to the
12 Commission what you mean when you said the gross tonnage
13 of a great number of vessels is very misleading. What do
14 you mean by this?

15 A. Well, the only explanation I can give there
16 is that there are several ships who use the Port of New
17 Westminster. They look like ten thousand ton ships, or
18 look to me as though they are capable, and they do lift
19 ten or eleven thousand tons, and some of them are
20 larger than the standard type of ship, even running up
21 to 500 feet of length. Those ships carry quite a bit
22 of cargo from the ports, and still when the master signs
23 his cards the net tonnage is negligible. It might run
24 to only 3,000, where a ship of that class you might
25 normally figure the net tonnage should amount to 6,000
26 tons. They lift the same amount of cargo as a ship
27 with a far greater net tonnage. That is what we were
28 referring to along the tonnage line, and as we are only
29 paid on the net tonnage and draught. -----

30 Q. Do you have many of these shelter-deck



1 vessels coming up to New Westminster?

2 A. Yes sir, we have quite a number. There
3 seems to be more of that type of ship coming in recently
4 than there has been in the past.

5 MR. LANGLOIS: My lord, I have here a
6 very good description of what a shelter-deck vessel is,
7 and I could pass it along to my learned friend. He will
8 check it, and then if he agrees with this description
9 we can see later on what we can do with it.

10 MR. JACQUES: Thank you for your confidence in
11 my nautical knowledge.

12 Q. Now we come to the heading of "Remuneration
13 & Comparison" on Page 9, Paragraphs 41 to 46. Would you
14 care to tell the Commission what have been the pilots'
15 net earnings for the last ten years, starting with 1952?
16 Do you have this information for each year?

17 A. Yes I have. I can give you an average
18 per month for the last ten years.

19 Q. I would like to have the exact figures
20 for each year, starting with 1952?

21 A. 1952, \$7,985; 1953, \$9,642; 1954, \$10,584;
22 1955, \$9,506; 1956, \$7,641; 1957, \$10,654; 1958, \$9,364;
23 1959, \$7,755; 1960, \$14,752; 1961, \$14,690; 1962, \$12,894.
24 That is our net income before deduction of income tax.

25 Q. In other words this is your taxable
26 income?

27 A. That is our taxable income.

28 Q. I notice in the figures that you have
29 given that there was a drop for the year 1959. Could you
30 tell the Commission what was the reason for this drop in



1 your net earnings?

2 A. Well, in 1959, for eleven months in 1959
3 we had all the operating expenses of the pilot boat to pay,
4 and there might have been a little decrease in shipping,
5 although I am not sure that that is the fact, but the
6 majority of that was due to the added burden placed upon
7 us when the pilot boat came under a special classification.

8 Q. During this period of ten years that you
9 have just mentioned, was there any strikes, either long-
10 shoremen or loggers' strikes?

11 A. Yes sir, there was in 1959.

12 Q. Which one was that in 1959?

13 A. That was the I.W.A. strike.

14 Q. The loggers' strike?

15 A. The loggers' strike and millworkers.

16 Q. When did the longshoremen's strike take
17 place?

18 A. It could have been 1958, I am not sure.

19 Q. So, again the figures mentioned in
20 Paragraphs 41 to 46 were taken, I take it, correct me if
21 I am wrong, from the contracts in regard to wages of
22 masters of tug boats, the contract that you have just
23 referred to. Is that right?

24 A. That is correct.

25 Q. Now we come to the heading of "Expenses
26 borne by Pilots". This is on Page 10, Paragraph 47, and
27 it goes over to Page 11, Paragraph 50 inclusive, and here I
28 draw your lordship's attention to the amendment which
29 was made this morning, when Paragraph 50 (a) was added.

30 In Paragraph 47 you state that there are no



1 extra expenses charged to the ship, except a taxi when
2 a ship sends an E.T.A. that leaves insufficient time for
3 a pilot to reach his station by conventional public
4 transportation. How would you travel in a case like that?

5 A. We would travel by taxi.

6 Q. Would you be using only a taxi as a means
7 of transportation?

8 A. You might, if a taxi was not available,
9 take your own car down, and get there with the quickest
10 despatch you could.

11 Q. Now, at the end of Paragraph 48 you mention
12 that the expenses borne by the pilots have decreased their
13 individual earnings by over \$2,200 per year. Are you
14 referring to the last year on record, that is 1962, or
15 is that an average?

16 A. No, I don't believe that is an average.
17 I think we refer to 1962 there.

18 Q. This paragraph which was added, Paragraph
19 50(a), would you tell the Commissioners as to whether or
20 not the recommendation made has received the support of
21 all your colleagues, all the pilots of this District?

22 A. May I ask which paragraph again?

23 Q. The new paragraph, 50(a)?

24 A. That is correct, that was unanimous by
25 all seven pilots.

26 Q. Would you care to inform the Commission
27 the reason why this paragraph, or this recommendation
28 was not put in your original brief, or original sub=
29 mission?

30 A. Why it was not put in the original sub-



1 mission?

2 Q. Yes, was there any reason for it?

3 A. No, I can't think of any particular reason
4 why it was not submitted in the original brief.

5 Q. It was after further consideration of that
6 situation that you came to this decision?

7 A. It was after further consideration, yes.

8 Q. In this recommendation you are requesting
9 that the despatching office remains in New Westminster.
10 Would you tell the Commission the reason for such a re-
11 quest?

12 A. Well, the reason we would request that
13 the despatching office remain in New Westminster is the
14 despatcher is right, you might say on top of the job. He
15 is sitting in the office there overlooking the waterfront,
16 and when the agents contact him as to the possible sailing
17 time of a certain vessel, nine times out of ten he can
18 look out of the window and see, if he has not already
19 made a note of it, whether the ship is in starboard or
20 port side to, and the difficulties/^{he}may encounter getting
21 away from the berths. He will set up, after consultation
22 with the Department, the exact time of departure of that
23 vessel, and will notify the agents. I feel that if it
24 was not handled locally the shipping agents would suffer
25 considerably, inasmuch as they would not have the personal
26 contact with the man sitting over the job.

27 MR. LANGLOIS: My lord, at this stage
28 may I be permitted to say in all fairness to the present
29 Commissioners, that this recommendation has no relation
30 whatsoever to the administration of the Pilotage District



1 of to-day. The pilots are quite satisfied with the way
2 their District was administered by the present and the
3 past Commissioners and they wish to inform the Commission
4 that they appreciate the public service that these
5 Commissioners have rendered to the community without any
6 remuneration whatsoever. This applies also to the present
7 incumbent in the despatching office, who is also acting
8 as Secretary to the Commission, Mr. Warren, who has been
9 doing a splendid job, and the pilots have asked me to
10 inform your lordship that should the recommendation
11 may be accepted the pilots would be most happy to see
12 Mr. Warren remain in the despatching office here in New
13 Westminster.

14 I think in all fairness to those concerned
15 with the administration of the pilotage here in
16 New Westminster that this should be said at this stage.

17 THE CHAIRMAN: I think this is borne out
18 by your brief which contains no complaints. I think the
19 only thing you are driving at is to get the benefit
20 out of it by taking some expenses away from the pilots.

21 MR. LANGLOIS: Yes my lord.

22 Q. Now we come, Captain Gilley, to the heading
23 "Generalities of Pilotage", Page 11, Paragraphs 51 to
24 Page 12, Paragraph 53 inclusive. In Paragraph 51 when you
25 talk of the great responsibility of piloting a ship
26 and cargo varying from two to six million dollars, would
27 you say that this would be the average figure of the
28 value of the property entrusted to your care in this
29 Pilotage District?

30 A. A vessel from two to six million dollars



1 I think is possibly low. I think we heard the statement
2 in Vancouver the other day that the new ships which are
3 coming out, which possibly will come to the Port of New
4 Westminster, cost eleven million dollars to build.

5 Q. I note in the same paragraph that you talk of
6 the multitude of natural hazards and man-made obstacles.

7 What do you mean by man-made obstacles?

8 A. Well, there are in the Fraser River several
9 groynes, as we call them, and wing dams, and jetties, and
10 some of these protrude fairly well out into the channel.
11 Those are what we call man-made obstacles. You do not
12 have to vary too far off course before you strike a
13 rock pile, because they are built of granite in most
14 cases. Some are built of wooden piles, but not all of
15 them.

16 Q. Does that include bridges?

17 A. That includes bridges, yes. I am glad
18 you added that.

19 Q. In Paragraph 52 you refer to a number of
20 minor accidents over a period of 40 years. Would you care
21 to elaborate on this?

22 A. Well, I can't elaborate too much, but
23 I think that if anyone was to look at our accident sheet
24 down there, or our accident file, I know our Secretary
25 was remarking the other day when he was going through
26 it that he could find nothing but one or two or three
27 minor accidents in the length of time he has been here,
28 and speaking of the length of time I have been there,
29 I recall very few, and only of a very minor nature,
30 such as groundings, where the ship might be aground for



1 two or three hours on a sand bar, or off the dock, or
2 in the main channel, but he floats off usually under his
3 own power, and no damage is sustained to the ship.

4 Q. How would this record of accidents for
5 ships in the charge of pilots compare with the record of
6 accidents for smaller ships not using pilots?

7 A. Well, I don't know that I can recall how
8 many accidents that these small vessels have. You are
9 referring to tugs with tows and the like, small coastal
10 vessels?

11 Q. Yes.

12 A. I think every tug has its fair share of
13 accidents, particularly in the freshet time.

14 THE CHAIRMAN: But I don't think there is
15 the same hazard, because I walked over that bridge and
16 there was a tug going up, and it was calm, and I was look-
17 ing to find out how he would go through the current,
18 through the bridge, and he went through shallow water.

19 THE WITNESS: I am not saying that had
20 the tug had a pilot these accidents wouldn't still have
21 happened, because we have a lot of accommodation for
22 tugboat masters on the river here.

23 Q. Now, Captain Gilley, in the same paragraph
24 you mention the fine recommendations by the masters.
25 How would these recommendations be made to your knowledge?

26 A. In Paragraph 51?

27 Q. Paragraph 52? That is the last sentence.

28 A. Well, at many times the master of the
29 vessel will commend you on the work that you have done,
30 and on other occasions he will write on the pilot card,



1 "Exceedingly well done", and it goes into the office. But
2 on many occasions we do get compliments from the masters.

3 Q. Now, in Paragraph 53, Page 12, you recommend
4 that the pilots should play a greater or more active part
5 in the operation and management of their work. Do you
6 have any further explanation to give in this respect?

7 A. Well, I think that was intended to mean
8 that we should play a greater part in the appointments and
9 in the examination of the probationary pilots, on
10 examination of the pilots or the applicants, you might
11 say. We feel that possibly the list that has been sub-
12 mitted, if the pilots go over that -- we have access to
13 it at the present time -- that the pilots know within
14 themselves which man might be a suitable pilot. They
15 have known his work on tugboats around the river, and
16 they probably know more about his character than the
17 company he is working for, although he might bring in
18 a very good recommendation from his employers.

19 I think that is all I have to add to that.

20 THE CHAIRMAN: Excuse me. Before you leave
21 this point here, from the evidence I have heard so
22 far, I would say that in practice they have had full
23 opportunity of being consulted by the Pilotage Authority
24 in all matters there, and it is really their decision.
25 But according to the by-laws it might not be the same.
26 So we realize that.

27 Q. Now we come to superannuation, Paragraphs
28 54 to 56 inclusive.

29 When you mention in Paragraph 55 that the
30 pilots obtained far more suitable arrangements with one



1 of the life insurance companies through their own efforts
2 and negotiations, do you mean that these negotiations
3 were carried out by the pilots and not by the Pilotage
4 Authority?

5 A. They were carried out by the pilots.

6 Q. By the pilots?

7 A. That is correct. We did have to have the
8 approval of the Commissioners, naturally, in the end, after
9 we found a suitable plan with one of the life insurance
10 companies.

11 Q. And also you had to get permission from
12 Ottawa, as was stated yesterday?

13 A. That is correct, sir.

14 MR. LANGLOIS: I have here, my lord, a
15 report on the history of the Fraser River Pilots'
16 Superannuation Fund, and with your lordship's permission
17 I would like, for the information of the Commission,
18 that this report or history of the pilots' superannuation
19 fund be filed by the witness. I would like to file this
20 as Exhibit?

21 THE SECRETARY: 175.

22
23 ---EXHIBIT NO. 175: Report on the history of the Fraser
24 River Pilots' Superannuation Fund.

25 MR. LANGLOIS: And also, my lord, at the
26 suggestion of my learned friend, Mr. Jacques, I would
27 like to file as exhibit 176 a letter from the Workmen's
28 Compensation Board, dated at Vancouver, February 22,
29 1955, addressed to the New Westminster District Pilotage
30 Authority in regard to the coverage provided by the plan.



---EXHIBIT NO. 176: Letter from Workmen's Compensation Board, Vancouver, dated February 22, 1955, addressed to New Westminster District Pilotage Authority.

THE CHAIRMAN: We will have this letter read into the record so that it is in the record directly.

MR. LANGLOIS: This letter is from the Workmen's Compensation Board, dated at Vancouver, February 22, 1955, addressed to the New Westminster District Pilotage Authority, 713 Columbia Street, New Westminister, B.C., and reads as follows:

"Re: Firm No. 6575 - 9

Dear Sirs:

We acknowledge receipt of your letter dated February 18, in which you request further information pertaining to the coverage of your pilots.

Where the pilot proceeds from his home to Steveston by whatever transportation is available his coverage would only commence when he reached the wharf at Steveston in preparation to board the motor launch. Coverage would remain in effect on the said pilot until the time the ship has been berthed at New Westminster but coverage would not be extended after leaving the ship or the office of the Pilotage Authority.

We trust the above information is



1 that which you require and if there
2 is any further information necessary,
3 please do not hesitate to ask and we
4 will do our best to answer the same.

5 Yours truly,

6 WORKMEN'S COMPENSATION BOARD."

7 THE CHAIRMAN: That was an explanation as
8 to what was normally covered by the Workmen's Compensation
9 Board and to what extent this would apply in their case.

10 MR. LANGLOIS: Yes. And at this stage,
11 my lord, I am very surprised to learn that the pilot is
12 not covered during the time he travels to his place of
13 duty and from his place of duty to his home.

14 MR. JACQUES: As I stated, we will obtain
15 a text from the Compensation Board and also the regulations,
16 and we might obtain an opinion from the Department of
17 Justice.

18 Q. Now, Captain Gilley, we come to the
19 schedules to your brief, Schedules "D", "E" and "F".

20 Would you tell the Commission what was the
21 source of the figures given in these three schedules?

22 A. In Schedule "D"?

23 Q. The three of them?

24 A. These figures were taken out of our
25 record book kept in our office. There is a record of
26 each pilot and each movement of a ship, whether it be
27 a shift or a departure or an incoming vessel.

28 Schedule "E" is taken from the pilotage cards
29 of that particular vessel, and that shows the way the
30 vessel was billed for pilotage. Those are the exact figures



1 taken from the pilotage cards and possibly the cash book.

2 Q. In connection with Schedule "E", the total
3 pilotage dues, I understand that that is the inward and
4 outward passage, both of them?

5 A. Yes, sir, that is the total of both inward
6 and out.

7 Schedule "F" is taken from the records maintained
8 by the Secretary, and each pilots signs after he completes
9 his assignment. So it is a true copy taken from the
10 records in our office.

11 Q. Yesterday, when you were asked to give
12 your qualifications and experience, I notice that you
13 stated the number of years you have been in command of
14 a tugboat before you became a pilot. Would you care to
15 provide the Commission with this information?

16 A. Well, I believe that I made the statement
17 yesterday that I spent most of my tugboat days on the
18 Fraser River and adjacent waters, and during these
19 14 years, ten of which I was possibly master, we were
20 towing up through the New Westminster Railway Bridge and
21 return. In the operation at that time with one tug
22 you would have a scow on one side and a derrick on the
23 other, and the total beam of the scow and the derrick plus
24 the tug would be 72 to 74 feet, and we had to sometimes
25 use the draw. So I was on that run ten years, in command
26 of the tugs, and on those occasions many times we would
27 do that same run three or four times a week; and if I
28 were to count my transits through the New Westminster
29 Railway Bridge, it would possibly run up to 10000 or 1300
30 during that period of time I was in command.



1 So plus the 800 transits we have a record of
2 on deepwater ships, I feel I am qualified to speak with
3 a little authority on the New Westminster Railway Bridge.

4 Q. Yesterday you mentioned that some of the
5 ships, if not all, are equipped with gyro compass. Do you
6 still have ships which are still equipped with these
7 magnetic compasses?

8 A. Yes.

9 Q. How many ships in a year would you get
10 which are not equipped with gyro compasses?

11 A. Oh, there might be three or four or five
12 ships in that time come in here without a gyro compass.

13 Q. Is it not a fact that it is the practice
14 of ships coming from Vancouver to New Westminster to
15 have their gyro compass shut off?

16 A. That happens on very many occasions; and
17 also the radar is shut off at the same time. It is shut
18 down for repairs.

19 Q. I take it that even with ships equipped
20 with gyro compass and radar sets, they are not always
21 available for use?

22 A. Many times that happens. Some ships still
23 don't have gyro compasses or radars.

24 Q. How long does it take from Vancouver to
25 the pilotage station at Sand Heads?

26 A. It is approximately 20 miles from the
27 inner harbour of Vancouver. Two hours is the time we
28 usually figure.

29 Q. Let's say with a 12-knot ship? How long
30 would it take?



1 A. By the time he gets away from the dock,
2 it will take him two hours to get down there, assuming
3 he has a berth.

4 Q. Assuming that the gyro compass had been
5 shut off and the ship starts to come up this way from
6 Vancouver, how long would it take to settle down?

7 A. On many occasions it will take three to
8 four hours before it settles down; certainly not less
9 than two.

10 Q. So am I to assume that you do not put
11 too much reliance on the gyro compass?

12 A. That is correct. You must use your vision.

13 Q. Have you ever had any language difficulties
14 in passing orders to the officer on watch or to the
15 wheelsman on board some of the ships you have taken up
16 here to New Westminster?

17 A. On occasions. But with officers of foreign-
18 speaking tongue, you are prepared for that, so on docking
19 the ship you watch every movement to see that the officer
20 or the man at the wheel interprets the order correctly.
21 If it is at all possible to do so, you watch and see
22 what goes on yourself.

23 Q. Has it ever occurred to you that you
24 have had to take over the wheel because the wheelsman
25 didn't understand your order, in restricted waters?

26 A. It has occurred to me that I would like to
27 do it on a few occasions, but naturally I have never
28 done it.

29 Q. Would you like this to happen on going
30 through the span of the railway bridge?



1 A. No, sir, I would not.

2 Q. Do you pass your orders direct as a rule
3 to the wheelsman?

4 A. You pass them direct, but the officer
5 on watch might repeat it to the man at the wheel. But
6 during daylight hours if you are anywhere near the man at
7 the wheel, you will give him an order and turn around
8 and see whether he is carrying it out or not.

9 Q. What is the lapse of time from giving an
10 order to the officer on watch and translating that
11 order to the wheelsman?

12 A. Sometimes it seems like minutes, although
13 it can't be. But it is quite a few seconds, though,
14 before the man at the wheel gets it.

15 Q. Yesterday you were asked the following
16 question, if my memory serves me well and if my notes
17 are correct: How long would it take for a master of
18 a ship to acquire a sufficient knowledge to safely take
19 a ship through your pilotage district? And your answer
20 was that it would -- correct me if I am wrong - take
21 a certain number of years.

22 Is it not a fact that this will depend on the
23 frequency of passages or voyages up this river?

24 A. Oh, that is definitely so.

25 Q. Would it also depend greatly on the fact
26 that he does or does not take an active part in the
27 navigation of his ship during the passage?

28 A. That further adds to it, yes, sir.

29 Q. Would you tell the Commission whether it
30 is the practice of masters, where there is a pilot on



1 board, going up or down the Fraser River to take an
2 active part in the navigation of their ship?

3 A. On very rare occasions. I think the only
4 time I have seen a master take part actually outside of
5 docking or undocking is on the trip down he might tell
6 one of his mates to slip down and have a cup of coffee
7 while he stays on the bridge for a matter of ten minutes.
8 Other than that, he doesn't take part in what is going
9 on.

10 Q. Do Masters of ships take part in docking
11 the ships?

12 A. No, they usually ask the pilots to do
13 it; outside of naval vessels which visit the Port once
14 in a while, where they do their own docking.

15 Q. Yesterday mention was made of these
16 recommendations made by the pilots to the Pilotage
17 Authority. What happened after these recommendations
18 were made by you pilots to the Pilotage Authority?
19 Was any action taken?

20 A. Well, the only action that was taken was
21 that-it was given -- our Commissioners gave these re-
22 commendations their whole-hearted approval.

23 Q. They approved of them?

24 A. Yes.

25 MR. LANGLOIS: Your lordship, at this
26 stage I wish to point out that although we have been
27 talking of recommendations, I would suggest to your
28 lordship that they are no longer recommendations. The
29 pilots were called upon to make recommendations to the
30 Pilotage Authority, and the Pilotage Authority approved



1 of them, and once they were approved they ceased to be
2 recommendations. I submit that they became rules or
3 regulations.

4 THE CHAIRMAN: That will be a matter of
5 argument. With regard to the by-laws, what they are,
6 we don't know.

7 Q. Is it to your knowledge, Captain Gilley,
8 that it has been tried to take a ship through the bridge
9 with the assistance of tugs in the past?

10 A. Yes, I believe it has been tried on one
11 occasion.

12 Q. Would you tell the Commission what happened
13 on that one occasion?

14 A. Well, inasmuch as I wasn't the pilot on
15 board, I don't know exactly; I can't say word for word
16 what did happen.

17 I believe...

18 Q. If you don't know, we will call the pilot.
19 Who was he?

20 A. Captain Ingalls, if that is the incident
21 you are referring to.

22 Q. Now, the suggestion was made yesterday,
23 as a means to ensure greater safety, if at all possible,
24 on taking ships through the bridge, to have floodlights
25 on the bridge to light up the bridge at night. Is it
26 not a fact that if that bridge is lit up at night the
27 lights would be reflected on the water?

28 A. Yes, they definitely would.

29 Q. Would this reflection of the lights in
30 the water increase your vision or visibility?



1 A. It would decrease it, the brilliance of
2 the lights, of the glare. It would certainly hinder our
3 vision, yes.

4 Q. Now, mention was made also of the placing
5 of a lookout forward. Is it a rule on going through that
6 bridge that the lookout is always placed on the focsle
7 head?

8 A. I have always asked the chief officer
9 and the carpenter or the boatswain to go forward to the
10 anchor on several occasions on transit through the New
11 Westminster Railway Bridge.

12 A. In your experience, Captain Gilley, could
13 you tell the Commission as to whether or not you can
14 rely on information passed along by lookouts, specially
15 when it comes to giving a definite bearing of an object?

16 A. Well, yes, as far as the ordinary lookout
17 is concerned, unless it is the chief officer or one
18 of the officers himself. But the ordinary lookout might
19 see a light or an object 2 points on the port bow
20 and it might turn out to be three or four points or one
21 point. His opinion is not very accurate, with all
22 due respect to him.

23 Q. Would you expect an officer on any ship
24 coming here for the first time to properly identify the
25 shore objects coming in here at night?

26 A. No, I don't think he would be expected to.
27 He wouldn't know what he was looking for.

28 Q. This morning you were asked about the
29 steering of a ship going with the current. Would you care
30 to tell the Commission what is the difference between



1 steering a ship against the current, and steering a ship
2 with the current, as far as maintaining the control of
3 your ship is concerned?

4 A. Well, going with the current, say with
5 an average 5-knot current and a 10-knot ship, you always
6 feel that you would like to have the ship going through
7 the water at twice the speed of the current. Therefore
8 with a 5-knot current and going with that current we feel
9 that at 10 knots the ship handles a lot better than going
10 at a slow speed, and she is not so susceptible to cross-
11 currents or sets. Going against the tide you have more
12 control over your ship, and you can slow down and just
13 use enough rudder action to control the ship without
14 travelling any great distance, at any speed you wish.

15 Q. Is not this due to the fact that your ship
16 with a stern current is moving with the water, whilst
17 in the opposite direction, going against the current, he
18 is moving against the water?

19 A. That is correct.

20 Q. That is the reason for it?

21 A. That is right.

22 Q. A suggestion has been made that tugs could
23 be of assistance in taking ships through this Railway
24 Bridge. Would you tell the Commission as to whether
25 or not all your tugs, or the three tugs which would be
26 available here, I understand there are only three of
27 them, would you tell the Commission as to whether or not
28 these tugs are equipped with R/T sets, radio-telephone
29 sets?

30 A. I believe some of them are.



1 Q. Are all the deepsea ships taken into
2 New Westminster equipped with radio-telephone sets?

3 A. No, they are not.

4 Q. They are not?

5 A. They are not.

6 Q. Have you ever experienced with the use
7 of radio-telephone sets for communication between ship
8 and tug when the tug was getting close to your ship, and
9 if so, what has been your experience regarding interference?

10 A. Well, I haven't had that experience,
11 because I have never used that set in the practise of
12 docking ship, or undocking, but I understand that when
13 the tug is close by that there is considerable inter-
14 ference.

15 Q. Now, you mentioned this morning that orders
16 are sometimes passed here from the bridge of the deepsea
17 ship to the tug by megaphone, or other means of using
18 sound from the voice. Would you tell the Commission
19 as to whether or not these tugs are equipped with engines
20 making noise? Are they noisy engines?

21 A. At times they are.

22 Q. Would these engines be noisy enough to
23 prevent the masters of the tugs hearing an order shouted
24 from the bridge of a ship to the tug?

25 A. I do have difficulty on occasion when I
26 use the megaphone, and even when I use the whistle to
27 make a signal.

28 MR. LANGLOIS: That is all Captain Gilley.
29 Thank you.

30 COMMISSIONER SMITH: If your lordship please



1 I would like to ask the witness a couple of questions.

2 At the noon recess I was down on the waterfront,
3 and I saw a log tow going by--his lordship was at the
4 bridge--and it looked to me as if it would be a quarter
5 of a mile long. I didn't have a chance to measure it,
6 but it was a very, very long log tow. Do those operations
7 happen frequently?

8 THE WITNESS: At least four or five times
9 a day. The operation I assume you saw was a tow going
10 downstream.

11 COMMISSIONER SMITH: Yes I did.

12 THE WITNESS: Yes, they are going down
13 twenty-four hours a day, and tows possibly of 20 to 24
14 sections, which would be as you say a quarter of a mile
15 easily. A quarter of a mile in length easily.

16 COMMISSIONER SMITH: And sometimes longer
17 than that?

18 THE WITNESS: Very often they are longer
19 than that, but then they use extra tugs for assistance
20 when they are longer, but they don't travel very fast.
21 They depend on the current mostly to carry them. They
22 just guide them, or steer them.

23 COMMISSIONER SMITH: And what effect has
24 that on the navigable aspects of the pilot's job?

25 THE WITNESS: Well, in a lot of cases
26 sometimes they go down with the tide at a velocity of
27 three or four knots, or maybe two knots. They make fairly
28 good time, but other times you will see the same tug
29 with the same length of tow trying to buck down with a
30 little flood, and even though he is able to haul that tow



1 at a mile or two an hour through the water, if there is
2 a little flood he is not making any headway whatever and
3 stays there for hours on end in our main harbour. In
4 many cases when a ship is trying to make a departure these
5 tows will be out there, and they don't seem to be getting
6 anywhere, and the tug which we have asked to assist the
7 ship in sailing will have to go out and assist those
8 tugs, in order to let the ship get away. Lots of times
9 delays occur of half an hour, three-quarters of an hour
10 before the channel is cleared, not before the ship departs.

11 COMMISSIONER SMITH: One more question
12 your lordship, and I ask this with a great deal of
13 trepidation, because it might sound like beating a dead
14 horse to death, but I am going to ask one more question
15 about the bridge.

16 There seems to be a conflict of opinion, or
17 a conflict of judgment, as to the operation of the large
18 bridge-aft ships through what has been referred to as the
19 hole in the bridge. Now, some evidence I think has
20 been adduced here as to the relief of that situation by
21 a lift span, rather than a swing span, and also dredging,
22 deepening, and widening, and maybe some others. Now;
23 what I would like to find out from you is this. Are there
24 any other alternatives? I don't mean a tunnel, but are
25 there any other alternatives that you could suggest that
26 would improve and alleviate that situation, and do away
27 with this conflict of judgment with regard to the safety
28 of the navigation through that bridge span?

29 THE WITNESS: I believe I made the statement
30 yesterday, Commissioner Smith, that the pilots had given



1 this a lot of consideration. There has been discussion
2 after discussion going on, and we have just come to our
3 wits' end trying to figure out how we could handle that
4 type of ship up there under present conditions.

5 The statement has been made that the width
6 of the bridge is 171 feet horizontal clearance. That is
7 quite true on the north draw, that is the horizontal
8 clearance, but on the south draw it is 161, and inasmuch
9 as a ship going to Fraser Mills has to make the return
10 passage, being nowhere else to go she has to come back
11 through the south draw, so you might say the width of
12 the bridge is 161, instead of 171. Ten feet does not
13 sound like very much, but it is when you are handling
14 a ship, even of conventional type.

15 I hope I have answered your question, that
16 the pilots have not been able to come up with a solution.
17 We know within ourselves -- we were talking about slack
18 water period this morning. We could put those ships
19 through at slack water possibly with the help of the tug.
20 You could lie the ship alongside the protection work
21 and push her through. But if you were to have even a
22 little ebb tide going up you would also have to be
23 assured of a slack water period two or three days later,
24 when the ship was ready to leave the mill, to get her
25 through the south opening again, which is 161 feet,
26 and we feel quite capable of doing that. But that is
27 going to mean a lot of confusion as far as the agents
28 are concerned, if we said we would do a thing like that.
29 Well, when is a suitable time to do this? They know the
30 ship won't be there for another week. You look at the



1 tide book, and there is not one slack water period in the
2 daytime at all, so rather than have this utter confusion
3 regarding getting this type of ship up to Fraser Mills,
4 we had the safety of the ship to take into consideration,
5 and the whole thing. Well, we made a recommendation to
6 our Commissioners that this type of vessel should not
7 proceed through the Westminster Railway Draw. I think
8 we only did it to avoid confusion and chaos, to try and
9 find out slack water periods. We are not similar to
10 Vancouver Harbour, where they have their slack water
11 periods. There are many days, as I say, outside of the
12 freshet period we don't get a slack water in daylight
13 hours here at all, and that is the only time we could
14 handle one of those class of ships to the Fraser Mills.

15 COMMISSIONER SMITH: Yes, I was wondering
16 if we had exhausted all the alternatives in your judgment
17 as to replacing the lift with a swing span, and the
18 deepening, and the widening, and if there was anything
19 else that was overlooked, and I gather from what you say
20 that you haven't any further statement to make in that
21 respect?

22 THE WITNESS: I have nothing further to
23 add, Commissioner Smith. As I say, we have gone through
24 it thoroughly, and with the best of our ability and
25 knowledge we can't come up with an answer that would be
26 of any assistance to that type of ship.

27 COMMISSIONER RENWICK. I would like to
28 ask Captain Gilley whether it would be beneficial,
29 or otherwise, to cut the end of the so-called City Bank,
30 which is dividing the river there, so that you would have



1 a better swing into the north channel when transiting
2 the ship upbound. Would that create a cross-current and
3 be detrimental, instead of beneficial?

4 THE WITNESS: Oh, it would help navigation,
5 but I think we could get around that solution were we
6 able to get these bridge-aft ships up through the draw
7 on an ebb tide, or slack water. I think we could handle
8 the present situation beyond that ourselves. It is just
9 a matter of getting them through and clear of the
10 protection work of the swing span. After that, as I say,
11 it would help conditions considerably, but at the present
12 time if we could get them through we could handle them
13 from there in.

14 COMMISSIONER RENWICK: I was thinking
15 about the 1800 feet that came up in evidence this morning
16 as available. If that could be 2400 feet, if that would
17 be beneficial for that swing?

18 THE WITNESS: It would be very beneficial.
19 You wouldn't have to start your swing in the bridge then,
20 even for the conventional type ships.

21 THE CHAIRMAN: Then you would have the
22 same situation on the other side of the river. It wouldn't
23 improve that?

24 THE WITNESS: Yes my lord. Those are
25 harbour regulations that you must use the port-hand
26 side going and coming, and although we have brought
27 vessels down the North Sapperton Channel and come through
28 the North Draw proceeding to sea, we used to do that
29 on occasion, but only with special permission from the
30 harbour master at the time. We always asked his approval,



1 and told him what time we might sail from Fraser Mills
2 and bring the ship down that way. But that was only
3 on a strong flood tide, and those ships happen to be
4 berthed at Fraser Mills starboard side to. The harbour
5 master would notify the bridge attendants to say that
6 a ship was proceeding outbound in the north channel,
7 and he would be using the northern draw for his transit
8 of the bridge.

9 MR. LANGLOIS: I was looking at the same
10 thing Commissioner Smith was looking at at noon, and
11 I noticed one thing. This tow was going down on the
12 starboard hand side of the channel. Is that common
13 practise?

14 THE WITNESS: No, he was contrary to
15 the harbour regulations, but in view of where he had to
16 end up he just had to keep on the north side of the
17 channel. Otherwise he would have finished up across
18 the Annacis Channel, and foul the Annacis Dike and the
19 City Buoy.

20 MR. LANGLOIS: But this is contrary
21 to harbour rules?

22 THE WITNESS: Yes.

23 MR. LANGLOIS: But it is done?

24 THE WITNESS: It is done regularly sir.

25 MR. LANGLOIS: Would these small tugs be
26 powerful enough to stop such a tow, a boom, when going
27 with the current, in order to avoid disaster.

28 THE WITNESS: He couldn't possibly stop
29 that tow we saw at noon, no sir.

30 MR. LANGLOIS: My lord, I have two letters



1 I wish to file. There again I would ask the Commission --
2 we have no photo copying machine.

3 The first letter is dated November 16th,
4 1960, and it is addressed to Captain R. W. Ingalls,
5 Chairman, Pilots' Commission, 713 Columbia Street, New
6 Westminster, B.C., from John E. Clayton, Port Manager.
7 The letter goes on as follows:

8 "Dear Sir:

9 We are preparing a brief for
10 submission to the Federal Government,
11 requesting the replacement of the present
12 swing span of the New Westminster Rail-
13 way Bridge with a lift span.

14 The present bridge comprises a
15 centre pier and swing span, thus giving two
16 channels each approximately 150 feet wide.
17 Throughout the years, many accidents have
18 occurred at this bridge, several of them
19 being extremely costly. The increasing
20 size and number of ships, hulks, and
21 scows using the bridge in recent years
22 multiplies the risk of a serious accident.
23 It is safe to say, that under present marine
24 traffic conditions, the bridge can be
25 considered a menace to navigation, with an
26 extremely restricted influence on the dev-
27 elopment of the industrial potential up-
28 stream from this bridge.

29 We would appreciate a letter from
30 you, indicating your feelings in regard



1 to this important matter, which may be
2 attached to our brief in support of same.

3 Yours very truly,

4 John E. Clayton,
5 PORT MANAGER."

6 That was dated November 16, 1960.

7 In order to give the complete story, I will
8 file with it the reply to that letter, which is dated
9 January 25, 1961, addressed to Captain J. E. Clayton,
10 Port Manager, New Westminster Harbour Commissioners,
11 713 Columbia Street, New Westminster, B.C. from R. W.
12 Ingalls, Chairman, Pilots' Committee.

13 I will read that letter for the benefit of
14 all concerned:

15 "Dear Sir:

16 We are pleased to note that, as you
17 note in your letter on the subject, you are
18 preparing a brief to the Federal Govern-
19 ment, requesting the replacement of the
20 present swing span of the New Westminster
21 Railway Bridge with a lift span.

22 This swing span has been a serious
23 menace to navigation since it's con-
24 struction, being placed as it is at an
25 angle to the flow of the river current.
26 Over the years it has been the cause of
27 many costly accidents.

28 During the Public Hearings before
29 construction of the present Pattullo
30 Bridge, the Pilots strongly objected to



1 the construction of another bridge
2 in close proximity to the Railway Bridge
3 unless the swing span were removed. Their
4 approval of the plans was given only upon
5 assurance that this would be done.

6 We are therefore pleased to advise
7 you that the Commissioners and Pilots of
8 the New Westminster Pilotage District whole-
9 heartedly support the Harbour Commissioners
10 in their endeavour to have this very serious
11 navigational problem corrected."

12
13 ---EXHIBIT NO. 177: Two letters, dated November 16,
14 1960 and January 25, 1961
15 respectively.

16 BY MR. BIRD:

17 My lord, if I might put a question to Captain
18 Gilley arising out of the first question raised by
19 Commissioner Smith with respect to these log tows?

20 Would it be fair to say that the large majority
21 of movement of log tows is down the North Arm of the
22 river?

23 A. Yes, I believe more go down the North
24 Arm than go down the main channel. That is a fact.

25 Q. Yes, but I would put it a little stronger
26 than that. Would you agree with me that the very large
27 majority of log tows move down the North Arm of the
28 river?

29 A. You are correct.

30 Q. So that the distance between where the



1 North Arm comes into the main river and New Westminster
2 is about a mile, roughly?

3 A. Approximately a mile.

4 Q. So that it is within that area of the
5 main river, one mile, that you would be concerned largely
6 with these lengthy log tows?

7 A. Not particularly, no, that is not quite
8 correct in my feeling, because we have to contend with
9 these tows when we are taking ships up to Fraser Mills,
10 because they cross the channel.

11 Q. What I am talking about is --

12 MR. LANGLOIS: Let him finish please.

13 Q. I was taking it from the bridge to
14 New Westminster, but let's carry it on up to Fraser
15 Mills?

16 A. If they stay on the south side of the
17 channel they come down to Port Mann, and stay on the
18 proper side of the channel. Then their proper crossover
19 point is at Liverpool. They want to bring their tows
20 through the very wide span on the northerly end of the
21 Westminster Railway Bridge, so that is their cross-
22 over point, and time after time when we are going up we
23 encounter these tows crossing to the north side of the
24 channel, and unless we are able to detect them soon enough
25 there is a possibility of a collision. Then they use
26 the north side of the channel, the improper side, all
27 the way to the North Arm.

28 Q. Well, my point was related to the fact
29 that the problems that you may have, and have said that
30 you have had with respect to log tows, exist largely



1 between where the North Arm comes into the main river and
2 say Fraser Mills, or however far you have to go up?

3 A. Largely, yes.

4 BY MR. JACQUES:

5 So do I take it then that these tows don't go
6 down river to Sand Heads?

7 A. Very few log tows go down the main channel.
8 They go down the North Arm, sir.

9 Q. I refer you to page 7, paragraph 37 of
10 your brief, which concerns the extra services which you
11 render to shipping, in controlling and directing movements
12 of ships. It is stated in Paragraph 7 that pilots spend
13 considerable time in the office doing that work?

14 A. Yes sir.

15 Q. And I understand from previous evidence
16 that a pilot is assigned to a ship, and stays with the
17 ship throughout her stay in New Westminster. He takes
18 her in, moves her and takes her out again?

19 A. That is right.

20 Q. As far as is practical and possible?

21 A. That is right.

22 Q. How many hours would you be actually doing
23 this controlling and directing job for one ship?

24 A. Well, you wouldn't be too many hours at
25 one time, that is granted, but you might be doing the
26 same type of work for three days in a row with the same
27 ship, because particularly at this time ships are delayed
28 one to two or three days, so you have got the same
29 problem to go into the following day, when you expected
30 to have cleared it up the night before.



1 Q. Yes, but how many hours in one day would
2 you spend doing that work?

3 A. On that particular kind of work, devoting
4 your attention to tides and draughts, you might spend half
5 an hour, and you might spend an hour, and our Secretary
6 and Despatcher always wants the knowledge concerning
7 ship arrivals in the near future. So we sit down and
8 discuss it with them.

9 Q. And now sir, I refer you to Page 8, Para-
10 graph 38, relating to your insecure position in your job
11 owing to health conditions and faulty eyesight. Would
12 you tell the Commission if any pilot was ever discharged,
13 or had seen his licence withdrawn owing to declining
14 eyesight or hearing?

15 A. No, the only way I can answer that is
16 that all our pilots, those ahead of me have retired pre-
17 maturely, long before the age of 65. There is only one
18 that went till the age of 65. The others have either
19 deceased or retired before their age limit of 65. They
20 can go till 70 if they want now.

21 Q. But do you know the cause of their early
22 retirement?

23 A. Well, they haven't said so, but I presume
24 that they had the feeling that they weren't physically
25 fit to handle that type of work any longer.

26 Q. Well, I didn't want you to presume, but
27 I wanted to know if you knew the cause?

28 A. It was not through defective eyesight in
29 any case to my knowledge.

30 Q. Now I refer you to Page 9, Paragraph 46, and



1 I shall read an excerpt from that paragraph:

2 "An increase to the pilots was obtained in
3 1959, due to the Department of Transport,
4 after drastic action taken on the part of
5 the pilots, ---"

6 And the rest is not very important. What drastic action
7 is referred to by that paragraph?

8 A. Well, for a number of years previous to
9 1959 we had requested that our District be taken over by
10 the Department of Transport in Ottawa. I think our first
11 correspondence was in 1956. I know there was a letter
12 went from the pilots out to Mr. Norman Wilson at that
13 time. That was 1956, requesting his Department to take
14 over the operation of the Pilotage District, which in-
15 cluded the complete operation of the office and the pilot
16 boat and actually to come under the Department of Transport.
17 That was in 1956, and correspondence went back and forth
18 to the Department at Ottawa on numerous occasions every
19 year until 1959. The pilots had thought that they had
20 reached the point of exasperation, and earnings were as
21 low as \$150.00 per month. That was on account of the
22 I.W.A. strike up there.

23 Q. In 1959?

24 A. In 1959. And after having been assured
25 in 1958 that as of April 1st, 1959 the Department of
26 Transport was going to take over control of the whole
27 District, and relieve the pilots of any expense, April
28 1st, 1959 came and went, and all correspondence and
29 more wires were sent by the Pilots' Committee to those
30 officials in that Department at that time, and more



1 correspondence, and we were given assurance each month
2 that it was going to happen next month. The Department
3 of Transport were going to assume their obligations as
4 specified, April 1st, 1959. In October of that year
5 we might say that things were at pretty low ebb, our
6 morale was considerably lowered.

7 Q. Slack water?

8 A. Slack water, yes, sir. And the feeling
9 that the Department of Transport had not lived up to
10 their obligations. So on November 24th, 25th, 1959,
11 we decided on Monday morning to get all the pilots to-
12 gether at a general meeting, which we did, in our office,
13 to thrash this thing out once and for all, what was
14 going to happen to the situation here at New Westminster,
15 to the pilots, because we couldn't see our way to carrying
16 on with the heavy operating expenses of the pilot boat,
17 having three boats there. So we had a meeting, which
18 lasted some considerable length of time.

19 Q. How long?

20 A. Actually it was 48 hours. We did have a
21 little sleep in the meantime.

22 Q. Yes, carry on, please?

23 A. We had our meeting on the Monday morning,
24 on the 25th, I believe it was, 24th of November, and
25 we adjourned at noon and carried on our meeting in
26 Vancouver, in the Canadian Merchant Service Guild Rooms,
27 and we returned home that evening and convened at the
28 Canadian Merchant Service Guild the following morning.

29 Q. Now, during that 48-hour period were
30 pilots available to take ships in and out of the harbour,



1 to move them?

2 A. Not the regular pilots, no, sir.

3 Q. What do you mean by "the regular pilots"?

4 A. The regular staff, staff of seven, the
5 licensed pilots.

6 Q. Does that imply that some pilots, the
7 regular ones, were not available?

8 A. No, it does not. That is not the way it
9 was intended.

10 Q. Was anyone available to move ships in and
11 out?

12 A. The master was available if he wanted to
13 move them. There were no licensed pilots.

14 Q. No licensed pilots available?

15 A. No, sir.

16 Q. During that 48-hour period do you know
17 whether you or any of your pilots were requested to go
18 on duty?

19 A. Yes, I know that.

20 Q. Were any requested?

21 A. We were. We gave notice to the Secretary
22 of the Pilotage Authority at noon that we were adjourning
23 to Vancouver and we were convening at 1:30 and where we
24 would be located, and we had several telephone calls and
25 even wires.

26 Q. And what was the purport of these telephone
27 calls and wires?

28 A. I don't recall right now. I believe
29 the despatcher or secretary said there were two or three
30 ships waiting to sail and one to arrive that evening.



1 Q. Upon receiving these telephone calls and
2 cables, what action was taken by the pilots?

3 A. We notified the solicitor for the Pilotage
4 Authority and possibly the chairman of the Pilotage
5 Authority that our meeting was not complete yet and we
6 would advise him of our decision, and the next day the
7 Chairman of our Committee asked for a meeting with the
8 pilots, which we had that afternoon, which he requested,
9 and we met at the pilots' office at 5:00 lo'clock in the
10 afternoon.

11 Q. Have the matters that were discussed
12 at that meeting been discussed at other times than those
13 two particular dates?

14 A. I don't believe so. It is seldom you
15 get seven pilots together.

16 Q. Pardon?

17 A. It is seldom you get seven pilots together.

18 Q. I see. Now, sir, I refer you to page
19 11 of your brief, Paragraph 50, where you refer to the
20 facilities available to airlines pilots. You have read
21 it?

22 A. Yes, I have.

23 Q. Do you know how the airline pilots are
24 paid for their work?

25 A. No, actually I don't. I don't believe
26 they are self-employed. But there are many pilots who
27 own their own planes.

28 Q. Now, am I right --

29 THE CHAIRMAN: I think the word "pilot"
30 there is used in a different sense of the word.



1 MR. JACQUES: Oh, definitely, my lord.

2 Q. Would it be fair to say that the implication
3 of Paragraph 50 might be that pilots, marine pilots.
4 would perhaps consider working for an annual salary if
5 all necessary aids and expenses, office work, were provided
6 free of charge to them, and also if working conditions
7 were acceptable?

8 MR. LANGLOIS: My lord, I would suggest
9 that if my learned friend means that the pilots would be
10 paid \$24,000.00 a year like airline pilots, they might
11 consider it.

12 MR. JACQUES: Mind you, I didn't mention
13 any salary.

14 THE WITNESS: No, before we give that
15 any consideration whatsoever we would have to know the
16 conditions and the amount of salary.

17 Q. What I would like to get from you is
18 whether any proposal along those lines would be brushed
19 aside without any consideration at all or whether it would
20 be considered?

21 A. No, we would be willing to give it
22 consideration.

23 Q. Thank you.

24 A. But with reservations. We would have to
25 know the amount per annum and the full story, what the
26 conditions were.

27 Q. I realize that. Now, I refer you to
28 Paragraph 51 of your brief, Page 11?

29 A. Yes.

30 Q. The implication of that paragraph seemed to



1 me that you are not satisfied with your present income.

2 Am I right in saying that?

3 A. Annual income, that is correct, yes.

4 Q. In your opinion what should be the income,
5 the annual income of pilots here in New Westminster?

6 A. I am not prepared to answer that question
7 at the present time. We did make the statement in the
8 brief that we feel we should receive as much as the
9 highest paid master using our services, which might be
10 \$1,500.00 a month. I am not quoting that as our figure,
11 but that is what some of the masters receive; that is
12 what we have heard they receive.

13 Q. What you have heard they receive?

14 A. Yes, from the master himself.

15 Q. With what company was he working?

16 A. I prefer not to answer that.

17 THE CHAIRMAN: I don't think so.

18 MR. JACQUES: May I ask whether it was a
19 Canadian ship or not, my lord?

20 THE CHAIRMAN: That is all right.

21 Q. Was it a Canadian ship or not?

22 A. It was not a Canadian ship.

23 Q. I refer you now to Page 12, Paragraph 53?

24 A. Yes.

25 Q. I understand that you are the oldest
26 pilot in New Westminster; perhaps not in age but in years
27 of service?

28 A. In years of service, that is correct.

29 Q. And that is how many years?

30 A. Thirty.



1 Q. Thirty years. How many of the pilots who
2 were in office when you first became a pilot are still
3 in office?

4 A. Are members of the staff?

5 Q. No, pilots?

6 A. Who are members of our present pilots?

7 Q. Yes?

8 A. There are not any left except myself, as
9 far as I know. Yes, that is true.

10 Q. Are you quite satisfied with the choice
11 that has been made so far?

12 A. Very definitely I am satisfied. We are
13 all quite happy with the present group.

14 THE CHAIRMAN: I think in fairness to the
15 witness, it is not a question that perhaps he should
16 answer. In the by-laws the Pilotage Authority could do
17 away with all their recommendations, not consult them
18 to appoint a pilot. It is rather something in the law
19 than it is in practice. I gather that from Paragraph 53.

20 MR. JACQUES: No further questions, my
21 lord.

22 MR. BIRD: I have just a few questions,
23 my lord, if I may.

24

25 CROSS-EXAMINATION BY MR. BIRD:

26 A. Captain Gilley, you mentioned that on
27 one occasion, due to stress of weather, one ship was
28 delayed five days or it took five days to go 20 miles.
29 Do you recall that?

30 A. That is correct, yes, sir.



1 Q. Was that your vessel?

2 A. That was the vessel I was aboard, yes.

3 Q. When?

4 A. A number of years ago.

5 Q. Do you remember when? Give me a rough
6 idea. Was it ten?

7 A. I am guessing when I say 20 years, approx=
8 imately 20 years ago.

9 Q. On Page 8 of your brief, Paragraph 40,
10 you vigorously protest the present-day method by which
11 pilotage dues are compiled, i.e., draft and net tonnage.
12 Do you see that?

13 A. Yes.

14 Q. And in your view you feel that dues should
15 be calculated on the gross tonnage?

16 A. On the maximum gross tonnage and draught.

17 Q. What do you mean by draught?

18 A. Maximum gross tonnage, not maximum gross
19 draught.

20 Q. It is maximum gross tonnage and draught?

21 A. Yes.

22 Q. Would it be fair to say that if the dues
23 were calculated on maximum gross tonnage and draught it
24 would increase the pilotage dues by one-third?

25 A. Yes. I might say that we haven't cal-
26 culated anything out, but we suggest that they should be
27 calculated on the maximum gross tonnage and draught.

28 Q. In round figures would it be fair to say
29 that that would increase the dues by about a third?

30 A. No, I don't think it would. At the present



1 rate of 1.3 cents a ton it probably would, but we didn't
2 say that the present rate would remain in effect. We
3 have not come up with a table of rates. All we want is
4 a fair maximum tonnage which is fair to all ships con-
5 cerned and to all agents.

6 Q. Do you feel, then, that if the maximum
7 gross tonnage was used --

8 A. As a basis.

9 Q. As a basis, that the rate will go up
10 or down?

11 A. As I say, we have given it no study, none
12 whatever.

13 Q. Well, we will take it that the rate re-
14 mains the same for the purposes of these questions then?

15 A. The rate would go up if we are using the
16 same figure as we are using to-day. It definitely would
17 go up.

18 Q. On the basis of to-day's rates, if the
19 change was made to maximum gross tonnage, and assuming
20 we are right on our figure of a third increase in dues --
21 do you follow?

22 A. I think I am following you.

23 Q. --that that would result in an increase
24 in pilot's earnings of about \$4,000.00 a year?

25 A. I might add again, sir --

26 Q. Please answer my question, Captain Gilley,
27 and then you can add anything you like.

28 MR. LANGLOIS: The witness has just said
29 he has not calculated what would be the increase in
30 revenues, and my friend wants to ask him if it is right.



1 MR. BIRD: I think it is proper, unless
2 your lordship rules otherwise.

3 THE CHAIRMAN: What was the question?

4 MR. BIRD: If the earnings are increased
5 by about a third, that that would amount, on the figures
6 we have here, to approximately \$4,000 00 per year.

7 THE CHAIRMAN: If the witness has not
8 made the calculation, he may have difficulty in answering.

9 Q. I am just taking your figures, Captain
10 Gilley, \$12,894.00 per year net earnings. It is Exhibit
11 149, I believe?

12 A. That is correct.

13 Q. So it would be a little more than \$4,000.00
14 a year?

15 A. That is correct.

16 MR. LANGLOIS: Excuse me again. This is
17 assuming that this third comes from you and not from the
18 witness.

19 MR. BIRD: I made that quite clear,
20 Mr. Langlois.

21 Q. Now, Captain Gilley, we come to Page 9
22 of your brief, and this is probably just an error in
23 figures, in Paragraph 43. You will see the second
24 sentence in that paragraph: "This is a raise in wages
25 of over 200 per cent..." Do you see that?

26 A. Yes, I do.

27 Q. I suggest it should be 100 per cent?

28 MR. LANGLOIS: No, I am sorry, this is
29 with the days off. Read the whole paragraph.

30 THE WITNESS: No, I feel it is an increase



1 of 200 per cent, because he only works half the month.
2 That is the way it was intended to read.

3 Q. Now, continuing down to the figures on
4 earnings which you gave for 1959, I think you read out
5 a figure of \$7,755.00?

6 A. That is what I have here, yes.

7 Q. Did you mention as well that your earnings
8 at one stage were \$150.00 per month in that period?

9 A. I believe that is what I said.

10 Q. Were you referring, when you mentioned
11 \$150.00 a month, to the months the strike occurred in?

12 A. I was. I think the strike lasted more than
13 a month, to my recollection.

14 Q. Supposing it lasted two months?

15 A. Yes, that is right.

16 Q. And that is when the vessels were not
17 able to load at New Westminster?

18 A. Lumber products, yes.

19 Q. Now, going to Page 10, Paragraph 48,
20 you set forth your position in the middle of that
21 paragraph:

22 "Thus we feel most strongly as to the
23 necessity of being reimbursed by the
24 total pilotage receipts and to have no
25 part of the pilot-boat expenses, which
26 are now deleted in our own case, or the
27 office expenses which we are accountable
28 for...and in the last year of 1962 rose
29 to an unprecedented height of \$15,723.31."

30 Now, so that I have your position clearly, do



1 you consider that the pilots should bear any expenses
2 and, if so, what are they?

3 A. I don't feel that we should bear any
4 expenses, because other districts in Canada don't bear
5 any expenses; they are under the Department of Transport.

6 Q. Is it the feeling of the New Westminster
7 pilots that they should receive all of the pilotage dues
8 which are paid less the amounts paid to the Department
9 of Transport for the boat?

10 A. I don't think that is stated in that
11 paragraph is it?

12 Q. I am not saying it is. I would just like
13 to get your position on it, that is all?

14 A. That wasn't the purpose of those figures
15 being put in there. No, we don't expect to receive any
16 of these benefits. We would like to receive them, but
17 we are not naive enough to think that we would get them.

18 Q. What expenses do the pilots feel they
19 should bear?

20 A. I think I answered that a minute ago when
21 I said we feel we shouldn't bear any expenses at all for
22 the district.

23 Q. What costs, if any, do the pilots feel
24 should be taken off the pilotage dues before you receive
25 earnings?

26 A. What costs should be taken off the gross
27 revenue?

28 Q. Yes, if any?

29 A. The superannuation.

30 Q. Yes. That is for the pilot's pension?



1 A. That is correct.

2 Q. Anything else?

3 A. Oh, I am not prepared to answer that
4 question now. I wasn't here prepared to discuss rates
5 or anything of that nature.

6 Q. I wasn't talking about rates so much. If
7 you can't answer all right?

8 A. I can't answer that, outside of super-
9 annuation.

10 Q. You are not able to tell the Commission
11 what other costs you feel should come out of the pilotage
12 dues apart from superannuation?

13 THE CHAIRMAN: You may suggest some if
14 you have them.

15 MR. BIRD: Yes, my lord.

16 THE CHAIRMAN: What about Workmen's Com-
17 pensation charge which is being deducted at the present
18 time?

19 Q. Well, any of these. If it will assist you,
20 I will just take your Exhibit 149. We have the heading
21 "Office and General Expenses". You have a copy of the
22 exhibit before you, 149, Captain Gilley, and you see the
23 heading "Office and General Expenses"?

24 A. Yes, sir.

25 Q. Now, do you feel that any of those items
26 listed under the heading of "Office and General Expenses"
27 should be deducted from pilotage dues received?

28 A. In a proposed new setup or this setup as
29 it remains to-day?

30 Q. In the setup as it remains to-day?



1 A. Yes, certainly all these expenses should
2 come off, those that are listed there.

3 Q. Now, under the heading of "Pilots" we
4 have health insurance?

5 A. That is right, that should be deducted.

6 Q. Travel insurance?

7 A. Travel insurance, yes.

8 Q. Workmen's Compensation?

9 A. Workmen's Compensation.

10 Q. Travel expense?

11 A. Travel expense.

12 Q. Superannuation?

13 A. Superannuation, yes.

14 Q. So your position is that so far as all
15 these costs that I have mentioned are concerned, they
16 should not operate to reduce the earnings you receive;
17 is that right?

18 A. No, they should come off at source.
19 They should be deducted from the gross receipts, from
20 the gross revenue.

21 Q. That is not quite what I had understood
22 you to have said in your brief. Perhaps I haven't put
23 it properly?

24 MR. LANGLOIS: My lord, at this point,
25 if my learned friend would only read or get the witness
26 to read Paragraph 48. It is there in black and white
27 what the pilots are asking. They even have the figure
28 \$15,723.31. If my learned friend insists, for the better
29 understanding of the brief, we will provide a breakdown
30 after recess.



1 MR. BIRD: I am not trying to trap the
2 witness or anything, my lord, Mr. Langlois and Commissioners.

3 Q. So that the position is made clear, Captain
4 Gilley, I want to be sure of your position, and you may
5 turn to the Summary of Main Conclusions and Recommendations
6 which appear at the beginning of your brief. You see
7 No. 2?

8 A. Yes, sir.

9 Q. "Pilots should be reimbursed by the total
10 pilotage receipts." What do you mean?

11 A. We mean total pilotage receipts, anything
12 that is received that a ship pays to pilot a ship from the
13 Sand Heads.

14 Q. Outwards?

15 A. Yes.

16 Q. In the second part of that your view is
17 that the pilot should bear no part of the office or
18 pilot boat expenses?

19 A. That is correct.

20 Q. So do I take it, then, that the pilots'
21 position is that they are prepared to pay out of earnings
22 health insurance, Workmen's Compensation and things
23 of that kind? If not, please tell me. I am afraid
24 it is not clear in my mind what the pilots think they
25 should have.

26 A. Well, we would pay our share of such
27 items of health insurance as we pay our share now. I
28 imagine the Department should be done under a different
29 setup.

30 MR. BIRD: I think my lord I may be a



1 little longer on this point, and perhaps it would be
2 convenient for the witness and for me to adjourn so as
3 to collect my ideas and he may do the same.

4 MR. LANGLOIS: My lord, I could assist
5 my learned friend in understanding what is quite clear
6 to me.

7 THE CHAIRMAN: Yes, will you get together.

8 MR. LANGLOIS: I would suggest that I
9 make a statement on behalf of my principals, and that
10 would be their position. I can only repeat what is
11 written there in recommendation No. 2: "Pilots should
12 be reimbursed by the total pilotage receipts and should
13 bear no part of office and/or pilot boat expenses".
14 These are the only expenses which they are not prepared
15 to bear. That is all.

16 THE CHAIRMAN: Well, that is what Mr.
17 Bird would like to know.

18 MR. LANGLOIS: It is there.

19 THE CHAIRMAN: Yes, but there appears to be
20 a little contradiction between the first part of your
21 sentence and the second part, because you have other
22 expenses that are deducted from the gross earnings, or
23 the net earnings, for instance travel expense. Should
24 this situation be carried out, or do you think it should
25 be charged some way?

26 MR. LANGLOIS: When they are travelling
27 on duty, of course.

28 THE CHAIRMAN: We will adjourn a few
29 minutes, because I think Mr. Hunter would like to put
30 a few questions also, and I think the witness has been



1 there for two hours now.

2

3 ----A short recess.

4 Q. Captain Gilley, I would like you to clarify
5 this question of the expenses you feel you should bear,
6 and if you will look at Exhibit 149, which I think you
7 have in front of you, I am referring to the year 1962
8 on the reverse side of the page. You will see the figures
9 under "Office and General Expense", and I take it that
10 you feel that those should be borne by somebody other
11 than the pilots, is that right?

12 A. That is correct.

13 Q. You will see the figures under the heading
14 "Pilots Health Insurance, Workmen's Compensation, Travel
15 Expense, Superannuation", totalling under my rough
16 addition \$18,975.39. What have you to say about those
17 expenses? Are they in your view to be borne by the
18 pilots or by someone else?

19 A. I don't quite follow sir. Would you
20 repeat that question?

21 --- (Question read by reporter)

22

23 THE WITNESS: Well, I can refer you to our
24 brief, Paragraph 48, stating that the office expense
25 was \$15,723.00 last year, and we wish to be relieved
26 of that expense.

27 Q. I note that. What my question was
28 directed to was those other expenses. Do you expect
29 others to bear those, or do you propose that they should
30 be borne by the pilots?



1 A. Well, I will have to go into further dis-
2 cussion with the pilots on that.

3 Q. Surely, Captain Gilley, are you not able
4 to answer that question now?

5 MR. LANGLOIS: My lord, would not my learned
6 friend be satisfied by my own statement, which binds the
7 pilots, that the only expense that they want to be
8 relieved of is the office expense, and that all the expenses
9 he has just enumerated should in the opinion of the
10 pilots be borne by themselves.

11 THE CHAIRMAN: And you are speaking for
12 the pilots?

13 MR. LANGLOIS: I am speaking for the pilots
14 when I say that.

15 Q. Very well. If the office and general
16 expense was borne by persons other than the pilots, do you
17 agree that that would result in an increase in pilots'
18 earnings of roughly \$2,200.00 per year?

19 A. That is what is stated in the brief. Is
20 that what you are referring to?

21 Q. Well, that is not what I was referring
22 to, because you mention something about a decrease there.
23 What I am asking you is, if those office expenses were
24 borne by some persons other than the pilots, that that
25 would result in an increase in an individual pilot's
26 earnings of roughly \$2,200.00 per year?

27 A. That is correct.

28 Q. So that, that figure added to the other
29 figure of \$4,000.00, which is a rough calculation
30 based upon an assumption, assuming that that figure is



1 reasonably accurate, then the sum of those two would
2 be \$6,200.00 per year per pilot, and that that figure
3 is what you are proposing should be added to the present
4 earnings of each pilot?

5 A. That is incorrect. That is not my
6 understanding of it sir.

7 Q. What is your understanding of it?

8 A. My understanding is that if the pilotage
9 dues were charged on the maximum gross tonnage it would
10 have to be calculated on a different rate than 1.3 cents
11 per net ton, as is charged now.

12 Q. If the rate remained the same though?

13 A. I didn't say it was going to remain the
14 same.

15 Q. I am asking you to assume that it does,
16 or did, or will remain the same?

17 A. Well, if that is the way it works out,
18 that is it, but that is a misinterpretation as far as
19 I am concerned.

20 Q. Well, if it is a misinterpretation, is
21 it your view that the pilotage rate should be reduced?

22 A. The pilotage rate could easily be reduced
23 if the basic rate was charged on a maximum gross instead
24 of the net tonnage, yes, but not the pilotage revenue.
25 In the past we have always had discussions with the
26 Chamber of Shipping before any adjustment in rates was
27 concerned, and that is what we would naturally expect
28 to do before any adjustment was made.

29 Q. Well, that is not quite what my question
30 was directed to --



1 MR. LANGLOIS: My lord, again if this would
2 satisfy my learned friend, I could save time and make
3 another statement which would bind my principals on
4 exactly what we have in mind in this recommendation.

5 MR. BIRD: Well, I won't object to my
6 friend binding his principals. What I do object to is
7 his instructing the witness.

8 MR. LANGLOIS: My lord, that is not what
9 I have in mind at all. I am ready to sit two weeks here
10 if that is what my learned friend wants.

11 THE CHAIRMAN: Of course, what you are
12 asking there is not actually facts. Actually you are
13 getting beyond their brief, because in their brief they
14 don't say that they want to change the structure. They
15 want to have a new rule of calculation, because they
16 feel that they are being gypped in some way by the way
17 the tonnage is calculated in some ships, because it
18 appears to be less than it is in reality. In any event,
19 I think the witness is defending himself very well.

20 MR. BIRD: Yes my lord, but all I want to
21 do is to bring before the Commission the result of the
22 views put forth in this brief.

23 Q. Now Captain, you have referred to the
24 fact that so far as you are aware there has been complete
25 freedom on the river of accidents resulting in more
26 than minor damage. Is that what I understand from your
27 evidence?

28 A. To deepwater vessels?

29 Q. Yes?

30 A. That is my understanding, yes sir.



1 Q. Well, you are not suggesting that there
2 may not have been accidents which have occurred to vessels
3 in charge of a pilot in the river which have not caused
4 or resulted in damage, say exceeding \$10,000.00, are you,
5 in the last five years? I just want to have the record
6 clear on that.

7 A. I can't answer that, because I don't know.

8 Q. So that when you gave the evidence with
9 respect to freedom of accidents, were you speaking from
10 your own personal knowledge only?

11 A. I was speaking to the best of my knowledge,
12 and my own personal knowledge, yes.

13 Q. Well, my instructions are that there
14 were several collisions that resulted in substantial
15 damage, one of them being the "Cape Granville", which
16 collided with a barge, the other dealing with the "Elizabeth
17 Bakke", which resulted in an Admiralty decision. That
18 collision occurred in 1958, and I just wanted to --
19 You weren't familiar with those accidents I suppose?

20 A. No, that is new to me.

21 MR. LANGLOIS: My lord, at this stage in
22 order to set the record straight, since my learned
23 friend has referred to two cases, would he mind informing
24 the Commission as to whether or not the pilot was found
25 to be at blame in these cases?

26 THE CHAIRMAN: Well, we would like to go
27 a little further than that, because up to now I think
28 that the Secretary of the Pilotage Commission has stated
29 that for the past five years, and more than that, there
30 was no casualty reported, so if there were casualties,



1 and they should have been reported, I would like to know
2 what those casualties were, and if it is at all possible
3 to find out why they were not reported.

4 MR. BIRD: The first one was the "Elizabeth
5 Bakke", May 20, 1958, where the plaintiff steamship
6 "California" was made fast alongside the berth of Pacific
7 Coast Terminals. I won't read the judgment, but the
8 result was that the learned judge, who was the late Mr.
9 Justice Sydney Smith, felt that due care under the cir-
10 cumstances was not taken by those on board the "Elizabeth
11 Bakke", and he found the "Elizabeth Bakke" at fault.

12 THE CHAIRMAN: What court was that?

13 MR. BIRD: The British Columbia Admiralty
14 District, The Exchequer Court of Canada, State Steamship
15 Company versus the ship "Elizabeth Bakke".

16 THE CHAIRMAN: Is there a file number there?

17 MR. BIRD: The date of the judgment was
18 April 6, 1960. I am afraid the case number is not shown
19 my lord.

20 THE CHAIRMAN: There is enough information
21 there for us to trace the file.

22 MR. BIRD: There was one other collision
23 which I mentioned which occurred between the Lyle Shipping
24 Company vessel "Cape Granville", and an Island tug and
25 barge tow. I can get that for your lordship as well.
26 That resulted in a finding of mutual fault.

27 MR. LEGG: I was counsel on that case,
28 and I think it might be inaccurate to say there was a
29 finding. There was a consent judgment of fifty-fifty
30 fault, and I don't think it would be accurate to say that



1 there was a finding of fault by the learned judge. I
2 can give the Commission some information about that. I
3 have not had access to my office since this hearing started,
4 and I did intend to get the information, and I will get
5 it.

6 THE WITNESS: Might I ask counsel what
7 were the details of that accident with the "Elizabeth
8 Bakke" that you speak of?

9 MR. BIRD: I will provide your counsel with
10 a copy of the judgment.

11 MR. JACQUES: Might we at this moment have
12 the exact dates of these accidents, in order that we
13 may ask Mr. Warren to take the pilotage cards out of his
14 files and bring them here for us tomorrow. The "California"
15 and "Elizabeth Bakke" was May 20, 1958?

16 MR. BIRD: That was the date of the
17 accident, and it occurred when the "California" was berthed
18 alongside the Pacific Coast Terminals. The other was
19 the "Cape Granville", and I don't have the date of that
20 accident, but we can provide it.

21 MR. LEGG: I can give you that this
22 evening. I know it was the month of November, and I
23 think it was 1959, but it may have been 1960.

24 MR. JACQUES: And what was the third one?

25 MR. BIRD: There was one other collision,
26 and I am not sure what date it occurred. It may have
27 been more than five years ago. Perhaps Captain Gilley
28 can enlighten us?

29 THE WITNESS: Unless it happened to me I
30 can't enlighten you.



1 Q. You are not familiar with a collision that
2 occurred between the vessel "Holtheim" and an American
3 coastwise tanker?

4 A. No, I never even heard the names mentioned
5 before.

6 Q. Very well, I will have to check that
7 myself. With reference to Page 12 of your brief, Captain,
8 Paragraph 53, this may have been brought out before, but
9 have the pilots a man who is entitled to sit on the
10 Examining Board?

11 A. Yes they have.

12 Q. And does he sit there and take part in
13 the deliberations of the Board when enquiring into the
14 applications of prospective pilots?

15 A. True, he does.

16
17 BY MR. HUNTER:

18 Q. Captain Gilley, the length of the freshet
19 has been mentioned as being four and a half months.
20 It varies, does it not, from year to year?

21 A. That is correct, it does vary. The average
22 freshet season is four months.

23 Q. And would there be a minimum?

24 A. Oh, I think the minimum would be within
25 the confines of three months.

26 Q. And a maximum?

27 A. Definitely it would be a very small freshet
28 that only extended for a three month period.

29 Q. And you said that the average would be
30 more likely four, did you?



1 A. It would be four.

2 Q. When you were giving evidence this morning
3 you said that you, in bringing ships down river through
4 the bridge had had several near misses. Was that on
5 an ebb tide when you were going out at freshet time?

6 A. No, we find the bridge a hazard every time.
7 At least I do.

8 Q. Would it have been more likely to have
9 occurred at freshet time?

10 A. It would be.

11 Q. When I examined you this morning you
12 said when you were taking ships up river that you would
13 like to be going at approximately, during an ebb tide
14 that you usually took them up on an ebb tide?

15 A. On an ebb tide, or high water slacks.

16 Q. My notes indicated that you said that you
17 took them up at approximately 10 knots, boat speed,
18 which would maybe 5 or 6 knots ground speed?

19 A. That is correct.

20 Q. In your evidence to Mr. Langlois you said
21 that you went through the bridge at half speed. What
22 speed do you normally go through at, ground speed?

23 A. Well, depending on the conditions of the
24 ship that you are handling. As we have said before, some
25 of these conventional types of ships, your vision is
26 partially obscured, and others where you have got a
27 clear view you might go through at full speed with a
28 10-knot ship with a 4 knot current against you, going
29 over the ground at 6 knots. It all depends on the conditions,
30 if visibility is good, and you don't want to waste too



1 much time, you can go through at full speed, ground speed
2 6 knots.

3 Q. So actually this morning when you said
4 that you went through at half speed on an ebb tide, that
5 would not be quite right. It would be whatever speed
6 you felt was best at that time?

7 A. Well, half speed on some of these ships
8 is 10 knots, and on others 5, so it depends upon the type
9 of ship you are piloting.

10 BY MR. LEGG:
11

12 Q. One or two questions arising out of
13 Exhibit 174, which was some correspondence between the
14 Ropner Shipping Company and the Pilotage Committee. Do
15 you recall this correspondence, Captain Gilley?

16 A. I believe I do, yes sir.

17 Q. It was the request of information and the
18 return of information that you pilots submitted to the
19 Ropner Company in regard to the "Wandsby"?

20 A. Yes.

21 Q. Was there anything done as a result of
22 that information that you returned? Was there any follow
23 through?

24 A. I don't recall of ever hearing anything
25 more about it. I don't know whether that is the particular
26 company, or whether it is another company I am thinking
27 of. We did have several discussions in our office down
28 there with a captain aboard one of the ships, the "Fenix",
29 and he spent many hours in our office going over plans
30 for a ship that was building in Europe, and it was to be



1 built to Fraser Mills specifications. In other words,
2 he knew that he had to navigate the Westminster Railway
3 Bridge, so he came to the pilots and asked them their
4 opinion of certain types of vessels, and he left with the
5 knowledge and he was quite happy with the information
6 he got, that a skeleton bridge could be erected amidships
7 or just forward of amidships, in the conventional place
8 where a bridge should be, and that was submitted to the
9 owners and they agreed, and I understand this ship is
10 on the way out here now.

11 Q. In regard to this particular vessel, the
12 suggestions you gave to the owners, was anything to your
13 knowledge done on board the "Wandsby", on the basis of
14 your recommendations?

15 A Not to my knowledge. I don't know if the
16 ship has been back here or not.

17 Q. Have you any idea what the expense would
18 be to the owner?

19 A. No, I don't. We can never calculate
20 anything like that.

21 MR. BIRD: My lord, I have recalled the name
22 of this other vessels and perhaps I should ask Captain
23 Gilley about it.

24 BY MR. BIRD:

25
26 Q. Captain Gilley, I believe it was in 1958,
27 but I will get the date. Have you any knowledge of the
28 ship m/s Orient Lakes having collided with a log boom
29 being towed by a tug and the vessel dropping her anchor
30 and losing the anchor with a particular number of shackles



1 of cable, I believe it was ten?

2 A. I believe I recall that, yes. Wasn't that
3 west of Steveston?

4 Q. It was in the vicinity of Steveston, yes.

5 A. I recall that, yes. I didn't think that
6 was classified as an accident. I thought an accident was
7 damage to vessels or tugs or wharves or even bridges.

8 Q. Has it to be an accident between a vessel
9 and another vessel or a wharf or a bridge before it is
10 reported?

11 A. I believe that particular incident was
12 reported.

13 MR. BIRD: I will get the details of that.

14 MR. LANGLOIS: My lord, I have a letter which
15 I would like to file as Exhibit 178. It is a letter
16 addressed to the Fraser River pilots, New Westminster,
17 B.C., under date of 27th February, 1963, from the master
18 of the Vaasa Leader, and it reads as follows:

19 "Gentlemen: A considerable amount of discussions
20 "have been going on lately about the advisability
21 "of taking a ship of this type and size through
22 "the swing span of the Great Northern Railway
23 "Bridge at New Westminster.

24 "In my opinion passage through the swing
25 "span is too dangerous with a ship of this
26 "type. The reasons are many but the restricted
27 "vision from the bridge aft is of the greatest
28 "importance. We must also remember that passage
29 "through the span must be carried out under
30 "half to full power in order to have full steering



1 "power on the rudder. The smallest misunder-
2 "standing between the pilot, master, mate and
3 "quarter-master will have disastrous results
4 "under such circumstances. Also keeping in mind
5 "that coming down river the ship will be running
6 "with the tide and if the line-up for the passage
7 "is not successful at the first try, there is
8 "no returning and no stopping possible. In
9 "view of my experience I would refuse an order
10 "to let my present ship pass the span, only in
11 "case of emergency would such an order be
12 "considered and even then only with the assis-
13 "tance of two powerful tugs. I understand that
14 "such tugs are at the present moment not
15 "available at New Westminster."

16 And I have here a picture of the ship
17 which I am prepared also to file to show that it is a
18 ship with everything aft.

19 ---EXHIBIT NO. 178: Letter dated February 27, 1963,
20 to the Fraser River Pilots from
21 Master of m/s Vaasa Leader, and
photograph of ship.

22 MR. LANGLOIS: Thank you. No more questions.
23 Captain Ingalls.

24
25 REXFORD WALLACE INGALLS, Sworn

26 THE SECRETARY: Would you tell the court your
27 name?

28 THE WITNESS: Rexford Wallace Ingalls.

29 THE SECRETARY: Your address?

30 THE WITNESS: 7775 Lee Street.



1 THE SECRETARY: Occupation?

2 THE WITNESS: Marine pilot.

3 THE SECRETARY: Age?

4 THE WITNESS: 43.

5 DIRECT EXAMINATION BY MR. LANGLOIS:

6
7 Q. Captain Ingalls, would you please state
8 your sea experience and qualifications?

9 A. Well, just rapidly, I was a deckhand on
10 the Fraser Mills tugs for two years and seven months
11 before the war, and was an able seaman for one year and
12 four months in the Navy, a leading seaman for one year and
13 eight months, a petty officer for seven months, a sub-
14 lieutenant for one year and a lieutenant for eleven months.
15 That was all foreign-going time.

16 After the war I was mate for two years and three
17 months on the Fraser Mills tugs, coastwise going, a master
18 for four years and two months on coastwise towing, a
19 master for two years and eight months at Kingcome.

20 Q. I understand you are a pilot for this
21 District of New Westminster?

22 A. That is right.

23 Q. Have you ever endeavoured to take a ship
24 through the Railway Bridge draw with the assistance of
25 tugs and, if so, would you state the circumstances?

26 A. Yes. We went through with a ship called
27 the Thorsisle. She is a Norwegian ship, a small ship,
28 387 feet long, with a 24-foot beam, and this day she was
29 drawing 10 feet 7 inches forward and 4 feet 3 inches
30 aft. Her net tonnage was 2,068 and her gross tonnage was



1 3,612.

2 We had two tugs on the head end totalling almost
3 a thousand horsepower. The reason we did this was that
4 she had engine trouble and they couldn't seem to keep
5 the machine going, so the master and I talked it over,
6 and being a very small and very handy ship, we decided to
7 give it a whirl. It was July the 1st, 1957. The tide
8 was moderate ebb tide, and we did pretty good until we
9 got up to the bridge. Of course, it is a fairly straight
10 run going up there. It is the old story, the engine
11 stopped just as we got to the bridge. We got her through
12 the piers and we pulled her to port, we couldn't get the
13 engines started right at that moment, and I had the tugs
14 pulling hard over to starboard, but even that ship kept
15 going towards the piers on the Railway Bridge. Then a few
16 short minutes later we got the main engines of the ship
17 going, and between the engines of the ship and the tugs
18 we managed to stagger up to Fraser Mills. That ship came
19 as close as I ever want to see coming into contact with
20 a bridge.

21 Q. What was the beam of the ship?

22 A. 23 feet eight inches. I said 24 feet.

23 Q. What length of ship?

24 A. 387 feet 6 inches.

25 Q. Are you sure this is the correct beam?

26 It seems very small for a ship of that size.

27 A. That was taken out of Lloyd's register
28 last night. It seems small, but I wouldn't say whether
29 it is wrong or not. I took it right from Lloyd's
30 register.



1 Q. Could you at any time when you were taking
2 that ship through with the assistance of tugs use your
3 motor after you had engine failure?

4 A. We could. We had her half ahead and slow
5 ahead and nothing happened, and all of a sudden it would
6 go boom and away she would go. It was just trouble in the
7 engine room.

8 Q. Then I presume you made, if I understand
9 your testimony correctly, some use of the motor power?

10 A. Yes. It was the ship's engines that
11 pulled that ship out of that tight corner.

12 Q. Mention was about a collision between a
13 ship and a log boom, and the name of the ship was the
14 Orient Lakes. Do you know of that accident?

15 A. Yes. I was pilot on that ship when the
16 accident happened.

17 Q. Has that accident been reported to the
18 Pilotage Authority?

19 A. Yes.

20 Q. Would you mind stating briefly what
21 happened?

22 A. Yes. She was what we call an old Greek
23 Liberty.

24 MR. JACQUES: What date did it occur?

25 THE WITNESS: I haven't got the date. I could
26 get it for you.

27 MR. JACQUES: Roughly?

28 THE WITNESS: I would say about three years ago.
29 We were inbound and there was a pretty good ebb tide on,
30 and we were coming up to No. 16 buoy, that is the start



1 of the turn, and I had seen this tug and two very small
2 lights which just showed up against the background, lights
3 at Steveston Harbour coming down. I hadn't seen her
4 before, and we figured he had just sneaked out of
5 Steveston with a fish scow. The poor old girl was tired,
6 but she came along, and I was over on my own starboard
7 end and everything was going fine and dandy, and I just
8 got the ship past 16 buoy and started to push to starboard
9 and at the last moment I can only assume that he thought
10 the tail end of his tow was going to wipe the rock walls,
11 so he nipped smartly over to my side of the river and we
12 went into her and rammed her. I was quite surprised, he
13 just kept on going, and the last we saw of him was he
14 was heading for Nanaimo. To this particular day I don't
15 know the name of the tug.

16 But the wind was freshening from the south-east
17 and the ship started to sag back and go down on the rock
18 wall. So I let go of the starboard anchor. I told him
19 to hang on to two shackles, and she kept running out and
20 three went by and four and five shackles and she was
21 going faster and she ran out ten shackles and then went
22 overboard, and the skipper said: "Pilot, my anchor has
23 gone," and I said: "That's good. Let's try the other
24 one."

25 MR. LANGLOIS: That is all, thank you.

26
27 CROSS-EXAMINATION BY MR. HUNTER:

28 Q. Captain Ingalls, I take it that if the
29 engine had not failed on the Thorsisle you would have had
30 no difficulty in going through?



1 A. No.

2 Q. So that it would be possible to tow a
3 boat through when it had its own power and was going
4 slower?

5 A. That size of a ship. We got through, but
6 it was the ship's engines that pulled her out of that
7 tight corner she fell into.

8 Q. Captain Ingalls, you are aware of these
9 recommendations, are you not, that have been referred
10 to on numerous occasions?

11 A. Yes.

12 Q. And, as you see, they all have "shall"
13 in them; they are all mandatory?

14 A. Yes.

15 Q. They are really regulations. Well, I
16 will put it in another way. You abide by them as if
17 they were regulations?

18 A. We follow them, yes.

19 Q. Now, on page 5 of the Pilots' brief,
20 paragraph 24, evidently at a ten feet reading at the
21 Mission gauge there is no flood current, and from ten
22 feet up to twenty feet it is an ebb current which comes
23 up during the freshet season to a strength of four to five
24 knots. That is right, isn't it?

25 A. Yes, when the gauge at Mission reads ten
26 feet, to all practical purposes there is no flood tide
27 at New Westminster.

28 Q. And my understanding is that up to 20
29 feet you will bring ships down from Fraser Mills on the
30 ebb tide?



1 A. We take the high water, which is the
2 best part of that ebb tide, that is right.

3 Q. It says that vessels outbound shall
4 proceed as near as practical on flood tide or slack
5 water. But you are prepared to take a ship out contrary
6 to these regulations?

7 A. That is right.

8 Q. So that you have modified the regulations
9 as to that particular regulation?

10 A. Up to a point.

11 Q. Now, also under the heading of main
12 river channel it says that large vessels with bridge aft
13 shall navigate the bridge in daylight only. I understand
14 that you have modified that regulation?

15 A. That is right.

16 Q. Do I understand that you have had second
17 thoughts on some of these regulations and decided to
18 modify them?

19 A. After going over it very thoroughly and
20 very carefully, we have modified that one of bringing in
21 those ships with everything aft, that is right, at
22 Westminster.

23 Q. I am speaking specifically about bringing
24 bridge aft ships through the bridge. Did all the pilots
25 agree with that particular regulation?

26 A. They did.

27 Q. Now, I will preface the next questions
28 by saying that I think it is realized that the bridge is
29 not a happy situation, everybody would like it to be
30 changed, but it is there, and I think it is for the benefit



1 of the port to get ships up there. I would like to know
2 if you can suggest any aids. Now, I will suggest a few.
3 What about a tug line ahead for a bridge aft ship? Do
4 you think that is feasible?

5 A. You are talking about these big bridge
6 aft ships going through this Railway Bridge?

7 Q. Yes.

8 A. No, as Captain Gilley said here, we have
9 given this a great deal of thought and a great deal
10 of consideration. There is one regulation you have heard
11 that we would like to see which perhaps might help us,
12 and that is a small wheelhouse forward. But to take one
13 of those big ships up there at the end of a tug is not
14 good seamanship, and I don't care how you slice it.

15 Q. Specifically from your own personal
16 feeling on the matter, what is wrong with having a tug
17 line ahead?

18 A. Well, if you do have to push her up to
19 bring her out of any trouble you have that tug right
20 under your front.

21 Q. What communication did you have on this
22 boat that you had difficulty with?

23 A. I talked to the skipper of the tug before
24 we started out, in conjunction with the master. He was
25 up in the master's room, and we chewed this over as a
26 last resort to get this ship up to Fraser Mills.

27 Q. When the ship did not respond to the
28 signals, what did you do?

29 A. He was pulling full speed.

30 Q. Did you give any instructions to pull to



1 starboard?

2 A. Yes, I gave him one short whistle.

3 Q. Would it not be possible to signal tugs
4 by using a whistle?

5 A. There are all kinds of communications
6 which might be used. It is not so much that that is what
7 I am concerned with; it is the idea of taking one of
8 those big ships through there on a tug tow line on a
9 hard current. It is not good policy.

10 Q. What about having a second pilot on at
11 the front and having a walkie-talkie with the man at the
12 front?

13 A. No, I wouldn't want any part of that on
14 a hard tide.

15 Q. What about a slack tide?

16 A. If you had a high water slack period in
17 daylight hours and no wind and all the rest of your
18 conditions were correct -- I can't sit up here and say
19 it can't be done, because if you put tugs on you can go
20 through at that particular time.

21 Q. Would you be prepared to take one through
22 at slack tide?

23 A. I don't know if I would. I would want
24 to have a good talk with the master.

25 Q. Supposing you decided to take it through
26 at slack tide, contrary to the regulations, would you
27 go ahead and do it?

28 A. No, I would not take a ship through there
29 at slack tide or any other time contrary to these
30 regulations on my own.



1 Q. When you come down on the freshet, you
2 do that on your own?

3 A. We all do that, that is right.

4 Q. The first person who came down after
5 these regulations came out, did he do that on his own?

6 A. No, we sat down and hashed it out and
7 hashed it over with the master also, told him we were
8 going to do this.

9 Q. So when you decide to do something you
10 do it in concert with all pilots?

11 A. If we have a recommendation given or an
12 idea given us, we sit down and give it our honest and
13 level best, to thrash it out.

14 Q. What about aids, if they could be put
15 up along this middle buoy, that they would give you a
16 visual thing to sight on? Would that help?

17 A. I don't think it would be much help. You
18 would be traversing that bridge at night, and that is
19 something we are not happy with at all.

20 Q. If you had something that could be seen
21 in daytime?

22 A. If you could see it with all those poles
23 and derricks around, you might see it. I don't know.

24 Q. At night you ask them to have their
25 derricks down?

26 A. Yes.

27 Q. And you do not do that during the day-
28 time?

29 A. Yes. As I say, under the conditions I
30 have just expressed, high water, slack, daylight, tide,



1 no appreciable amount of wind and the master of the ship
2 fully aware of what could happen, that ship could be
3 towed through there.

4 Q. One other suggestion. Have you ever
5 considered trying to find a pilot who has had experience
6 solely on bridge aft ships who might be prepared to
7 take it through? Have you considered that?

8 A. I don't know where you would find that
9 pilot.

10 Q. Bridge aft ships have been used for a
11 number of years?

12 A. Yes, but not going through this bridge.

13 Q. There must be other narrow channels which
14 they have to traverse?

15 A. I don't know that I am qualified to
16 answer that.

17 Q. Let me put this question to you. If you
18 had a new pilot who was trained on bridge aft ships and
19 he thought it was safe to go through, what position would
20 the pilots generally take?

21 A. I couldn't answer that without sitting
22 down and hashing it over.

23 Q. What position would you take?

24 A. I wouldn't answer that either.

25 Q. Would you agree if he said he would take
26 it through?

27 A. No. I don't know what the man can do.

28 Q. I am speaking of a man who is qualified
29 and who says: "I think I can take that ship through."
30 Would you have any objection to him taking it through?



1 A. Well, I don't think you would get a man
2 to say that in the face of all this evidence that has
3 been produced against taking these big ships through the
4 bridge.

5 Q. Well, the only evidence has been ---

6 MR. LANGLOIS: My lord, at this point since my
7 learned friend is making suggestions, could I be allowed
8 to make one, that we are getting away from the examination-
9 in-chief?

10 THE CHAIRMAN: We will let the question go, but
11 it is quite hypothetical though. You are asking as a
12 group what they would say about that, or whether they
13 would allow that?

14 MR. HUNTER: I have asked him as an individual
15 my lord, and he is not prepared to say.

16 Q. Is that what your answer was?

17 A. That is right.

18 Q. Now, if you were requested to take a
19 bridge-aft ship through by the master, would you be
20 prepared to take it through?

21 MR. LANGLOIS: What size are you talking about,
22 the large size?

23 Q. The bridge-aft ship that is referred to
24 in these regulations?

25 A. I don't honestly know. I would talk that
26 over with the master, and tell him the whole story, and
27 if he turned around and said to me "I want to go through
28 that bridge whether you like it or not, and I want your
29 advice", I think in all honesty I would give him the best
30 advice I could.



1 Q. And you would stay on the bridge and
2 help?

3 A. Well, I bloody well wouldn't jump over-
4 board.

5 Q. I think that one of the pilots said that
6 they would get off. Then I take it your position is that
7 you feel that there are times that a bridge-aft ship
8 could be taken through there, with special circumstances,
9 slack tide, maybe a tug ahead, maybe some visual aids?

10 A. I think we were discussing towing a ship
11 through there on high water slack.

12 Q. All right, towing a ship through?

13 A. But that would be a big operation, and
14 it would be a towing job. A ship could be towed through
15 there. There is no saying that it couldn't be. It could
16 be towed through there if everything was perfect all the
17 way down the line.

18 MR. LANGLOIS: To get the record straight,
19 you are talking of towing the ship as a dead ship?

20 THE WITNESS: Yes.

21 Q. There is a suggestion. Have you advised
22 any of the shipping companies or have you advised the
23 Vancouver Chamber of Shipping, that you would be prepared
24 to do that?

25 MR. LANGLOIS: My lord, on this point I think
26 that this witness can't account for the whole group. We
27 have the Chairman here. He can call him.

28 THE CHAIRMAN: Read the question please?

29 --- (The question is read by the reporter.)
30



1 MR. LANGLOIS: Is he talking as an individual
2 or as a group?

3 MR. HUNTER: As a group.

4 THE CHAIRMAN: If he does not know he can say
5 so, but he can answer from his personal knowledge if he
6 can.

7 THE WITNESS: No.

8 Q. My instructions are, and I intend to call
9 evidence to show, that ships are towed in and out of the
10 Thames River, from Gravesend to London. Have you any
11 knowledge of that yourself?

12 A. No.

13 RE-DIRECT EXAMINATION BY MR. LANGLOIS:
14

15 Q. Mention was made in the questions asked
16 of you by my learned friend of modifications to different
17 recommendations. Is it not a fact that these recommenda-
18 tions were modified with the due approval of the Pilotage
19 Authority?

20 A. Yes, that is right.

21 Q. You mentioned the possibility of towing
22 a ship with everything aft through the Railway Bridge
23 as a dead ship?

24 A. Yes.

25 Q. Have you here in New Westminster tugs
26 available to tow a ship the size of the "Argyll" as a
27 dead ship through that bridge?

28 A. No.

29 THE CHAIRMAN: Have you any questions, Mr.
30 Bird?



1 MR. BIRD: No.

2 ---The witness withdraws.
3

4 MR. JACQUES: I have information concerning the
5 casualty of the "Cape Granville" and also the "Elizabeth
6 Bakke". I have the reports, and since the names of the
7 pilots are mentioned, I propose to read them into the
8 record only and not file the reports, if that is agreeable
9 to all parties?

10 THE CHAIRMAN: That is all right.

11 MR. JACQUES: The "Cape Granville", November,
12 25th, 1959, arrived at Sand Heads at 2300 bound for number
13 1B, net tonnage 4,453, gross tonnage 7,463, British,
14 drawing 17 feet 8 inches forward, 20 feet aft. The ship
15 was boarded on November the 26th 1959 at 0033, and the
16 report filed by the pilot reads as follows:

17 "On voyage from Sand Heads to New Westminster
18 "with M/S "Cape Granville" regret to report
19 "collision with Island tug and barge in tow of
20 "tug "Island Ranger" entered river 0033 hours.
21 "0122 slow speed. Fog ahead. Deas Island
22 "abeam 0138 buoy close aboard to starboard
23 "(about 25 feet distant). Proceeding slow on
24 "course 19 degrees magnetic. Observed radar
25 "target approximately four degrees on starboard
26 "bow distant about three-quarters of a mile.
27 "No alteration in target bearing. Engines
28 "stopped at 0140. Lights of a tug were then
29 "seen on port bow. Ship's helm was put hard
30 "to starboard, and at risk of grounding ship.



1 "Tug cleared ship to port and barge collided
2 "with ship's bow. Weather calm. Rising tide.
3 "Light ebb current. As tug had cleared ship,
4 "and barge was unmanned, no assistance was
5 "necessary. Ship then proceeded at slow speed
6 "and anchored Tilbury Island anchorage".

7 The "Elizabeth Bakke" was in New Westminster
8 Pacific Coast Terminals berth 1B, and bound for sea. She
9 sailed on May 20th 1958, draught 13 feet forward, 21 feet
10 6 inches aft, net tonnage 3,262, gross tonnage 5,450. Now
11 I read the report:

12 "Left Pacific Coast Terminals berth 1B
13 "approximately 1730 hours on May 20, 1958 with
14 "tug "Westminster Monarch" in attendance. When
15 "the vessel was clear of the dock engines were
16 "put dead slow ahead. A vessel proceeded past
17 "ship and moored at berth 1C. When the vessel
18 "encountered the strong ebb current at the
19 "outward end of berth 1C, the helm was put hard
20 "to port and the engines put slow ahead. When
21 "the vessel headed into the current the helm
22 "was steadied and the engines put to dead slow
23 "ahead. The vessel then proceeded up river,
24 "turned, and proceeded down river to Sand Heads
25 "without incident".

26 He does not mention that any collision
27 occurred with the "California".

28 THE CHAIRMAN: And the information you have
29 just stated there was taken from where?

30 MR. JACQUES: Well, my lord, in the case of the



1 "Elizabeth Bakke" this is dated New Westminster, B.C.,
2 May 22nd, 1958.

3 THE CHAIRMAN: Where from?

4 MR. JACQUES: From the records of the Pilotage
5 Authority, my lord.

6 MR. LEGG: My lord, does the Commission require
7 any further information regarding the case of the "Cape
8 Granville", the first instance recorded?

9 MR. JACQUES: No thank you.

10
11 WALTER ALAN GOSSE, Sworn

12 THE SECRETARY: What is your full name please?

13 THE WITNESS: Walter Alan Gosse.

14 THE SECRETARY: What is your address?

15 THE WITNESS: 2225 West 39th Avenue, Vancouver,
16 B.C.

17 THE SECRETARY: And what is your occupation?

18 THE WITNESS: B.C. coast pilot.

19
20 DIRECT EXAMINATION BY MR. LANGLOIS:

21 Q. Captain Gosse, you have appeared before
22 this Commission on several occasions during the last few
23 weeks. You were here in this court yesterday and today
24 when mention was made of the "Argyll" going into the
25 Second Narrows Bridge and using two pilots?

26 A. Yes sir.

27 Q. Would you care to explain to the
28 Commission what happened? I understand you were the
29 pilot on board?

30 A. I was one of the pilots, yes.



1 Q. Would you explain to the Commission what
2 took place, and what was the purpose of having the second
3 pilot on board?

4 A. Well, before the "Argyll" came in we had
5 a meeting, I think one of the superintendents from New
6 York came out here, and he discussed this taking this
7 ship into a berth up above the Second Narrows Bridge.
8 So he wanted to know how we proposed to do it and what
9 assistance we wanted, and we explained to him the number
10 of tugs we wanted, and we also explained to him that it
11 would be a great help to have another pilot. The other
12 pilot was not for use in the transit of the bridge. The
13 "Argyll" is not a bridge-aft ship. Her bridge is right
14 on the forecastle head, right up on the bow, but there
15 are cranes across the deck amidships, and of course the
16 ship I think is 745 feet long, so you didn't get a very
17 good view of the stern from the bridge. What I wanted
18 the other pilot for was when going into the berth to
19 keep track of the range lights for the dredge cut into
20 the berth. The master and the other fellow were on the
21 bridge, and he took his walkie-talkie and went back aft,
22 and I instructed him to phone me if these range lights
23 were getting out of line, because I couldn't see the
24 range lights aft. The same thing coming out with her.
25 The second pilot was aft with a walkie-talkie and the
26 tugs pushed us off the dock, and as soon as we got clear
27 of the cut into the dock we proceeded through the bridge,
28 and he left aft and came up to the bridge.

29 Q. So the second pilot was not used for
30 going through the bridge?



1 A. No, he was there -- you see, there is a
2 V-shaped dredging into the dock, and they have range
3 lights to show where the shoals are, and he was keeping
4 track of the after range lights.

5 Q. Do you have to make a 180 degree turn?

6 A. Yes, they had to put her in starboard
7 side to, because of something to do with the unloading
8 business, or they couldn't get her far enough ahead to
9 unload at the conveyor. So we had to get her through
10 the bridge and completely turned around. She was facing
11 eastwards, and completely turned around to face westwards.

12 Q. How many tugs did you use to handle this
13 ship?

14 A. We called Jim Cates and John Cates in
15 and discussed it with them. They figured that they could
16 supply us with about six of their tugs, but they figured
17 that about four of their tugs and a powerful tug along
18 with it, they preferred to have one powerful tug. So
19 we had one 1,500 horsepower, and Cates' are 600.

20 Q. So you had one 1,500 horsepower ---

21 A. When I say 15, she may have been 12 or
22 15.

23 Q. And the other tugs?

24 A. I think we had four of them.

25 Q. With horsepower each of how much
26 approximately?

27 A. 650. The second time we didn't have
28 quite so many tugs. They were big-hearted the first time.

29 Q. Was it the slack water at that time?

30 A. Oh yes. You go through the Second Narrows



1 Bridge at slack water.

2 Q. How many periods of slack water do you
3 get a day?

4 A. Four.

5 Q. How long do they last on an average each?

6 A. They don't last very long there. As a
7 matter of fact, what we do there, we prefer to come in at
8 the last of the flood, so that if we get anything we get
9 a bit of an ebb tide, or as long as it is somewhere near
10 slack, but you can't have too much of any tide, because
11 you can't swing a ship in this narrow channel. The tugs
12 would never push her around.

13 Q. The tugs would never push her around?

14 A. No.

15
16 CROSS-EXAMINATION BY MR. HUNTER:

17 Q. What were these range lights there for?

18 A. These are ranges for the dredging. They
19 are up in the plant, you know, one is set forward just
20 close to the shoreline and the other is set back in the
21 plant.

22 Q. They were not guides on the river?

23 A. Oh, no. They are just ranges to keep you
24 from getting into shallow water.

25 Q. Was your walkie-talkie effective?

26 A. Oh, yes, very good. We have six walkie-
27 talkies in Vancouver. Four of them are left on the tugs
28 you see, and the pilots have the others.

29 Q. So you use walkie-talkies to the tugs
30 then?



1 A. Occasionally, on special jobs we do.
2 The most jobs coming in from sea we have not got them.

3 Q. Do you find them effective?

4 A. Oh, they are good if you are talking to
5 the tug, as long as the tug doesn't get under the bows
6 too far, walkie-talkies are fine. As a matter of fact,
7 we are trying very hard to get walkie-talkies for each
8 pilot in B.C., but at \$800.00 apiece ---

9 Q. But you find them very effective?

10 A. Yes.

11 MR. LANGLOIS: Who supplied and paid for the
12 walkie-talkies?

13 THE WITNESS: The Department of Transport I
14 think. They gave also 60 to the Montreal pilots.

15 Q. Have there been a number of accidents
16 on the Second Narrows Bridge? There have been several
17 over the past few years have there?

18 A. Not too much. We don't have too many
19 more accidents than the Fraser River pilots.

20 Q. How many in the last 15 years have there
21 been?

22 A. I don't remember any.

23 Q. None at all?

24 A. Hitting the bridge or anything?

25 Q. Yes, I thought the lift span has been out
26 on several occasions?

27 A. That was previous. There is a lift span
28 now, but before they had a cantilever.

29 Q. But since the lift span was in?

30 A. I don't know of any. One hit the terminal



1 there, but she was not bound through the bridge.

2 THE CHAIRMAN: I have here a chart for the
3 Second Narrows, so if you would like to have the range
4 lights identified?

5 MR. HUNTER: I don't think it is necessary my
6 lord, thank you very much. I thought they were a guide
7 on the river, and he says it is just to guide them along-
8 side.

9 Q. When you found you had this big job, you
10 all got together and you worked out a solution?

11 A. We didn't all join together, just the
12 committee. We can't get 66 pilots all together.

13 Q. Some of you got together, and you worked
14 out a solution?

15 A. Well, we didn't have too much of a
16 solution, except to figure out what assistance we had to
17 have.

18 Q. But you got whatever assistance you felt
19 necessary to do the job?

20 A. The only ones that we had to get, as
21 long as the ship-owner or agent, or whoever it might be,
22 as long as he will agree to do what we ask him to do on
23 these jobs, then we feel quite satisfied. If he refuses
24 to -- say that we couldn't have these tugs, or this
25 assistance, then ---

26 Q. But you put your request up to them?

27 A. Well, they come to us and ask us what
28 we suggest.

29 Q. And you came up with the suggestions?

30 A. Yes.



1 MR. HUNTER: Very commendable. Thank you.

2 RE-DIRECT EXAMINATION BY MR. LANGLOIS:

3
4 Q. Captain Gosse, is it not a fact that long
5 before the present generation of pilots in Vancouver were
6 on active duty, that the span of the Second Narrows Bridge
7 was knocked down at least once?

8 A. Yes, but it is a different span there
9 now.

10 Q. Do you know the Railway Bridge here?

11 A. Yes, I have been through it a few times
12 with other pilots I mean, I have ridden through it.

13 Q. Have you ever been through on board a
14 ship?

15 A. Oh yes, many times.

16 Q. From that experience would you compare
17 that to the Second Narrows?

18 A. No, it is a different set-up altogether.
19 The old bridge in Vancouver that they replaced, that was
20 why it was knocked down. It was put outside the channel,
21 not in the proper channel, and the tides crossed through
22 it, and that is how it was knocked down three times.

23 Q. What is the horizontal, or lateral
24 clearance of the Second Narrows span?

25 A. 271 feet. You compare that with 171, it
26 is quite a difference. Although it didn't look that with
27 the "Argyll".

28 MR. HUNTER: Captain Gosse, you said that the
29 bridge was put out of commission in 1941?

30 THE WITNESS: The other span was three times to



1 my knowledge it was knocked down.

2 MR. HUNTER: But you continued to use it after
3 it was repaired each time?

4 THE WITNESS: Oh, they changed it, and of course
5 in those days there weren't many ships. This is before
6 my time as a pilot. It is over 25 years ago.

7 Q. But the pilots continued to use it even
8 though there were accidents?

9 A. A barge under tow knocked it down once.

10 Q. But regardless, you used it again?

11 A. Well, so long as they don't put us in
12 jail or take our certificate away for knocking the bridge
13 down we will use it.

14 THE CHAIRMAN: Well, there are no more questions,
15 Captain Gosse, thank you.

16 We will adjourn until tomorrow at 9:30.

17
18 ---Whereupon the hearing adjourned at 5:40 p.m. until
19 9:30 a.m. on Thursday, 28th March, 1963.
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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

NEW WESTMINSTER
B.C.

VOLUME No.:

14

DATE:

MARCH

28

1963

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Courthouse Annex,
New Westminster, British Col-
umbia, on the 28th day of
March, 1963.

COMMISSION:

| | |
|------------------------------------|-----------------|
| The Honourable Mr. Justice Bernier | Chairman |
| Robert K. Smith, Esq. | Member |
| Harold A. Renwick, Esq. | Member |
| Mr. Gilbert W. Nadeau | Secretary |
| Mr. F. S. Morissette | Asst. Secretary |

COMMISSION COUNSEL:

| | |
|----------------------------|---|
| Mr. Maurice Jacques, Q.C. | |
| Mr. Leopold Langlois, Q.C. | for the Canadian Merchant Service Guild and for the Pilots of the Pilot- age District of New Westminster (Fraser River) |
| Mr. J. I. Bird, Q.C. | for Vancouver Chamber of Shipping |
| Mr. W. T. Hunter | for New Westminster Harbour Commissioners |
| Mr. R. N. Monroe | for Pacific Coast Ter- minals Company Limited |
| Mr. H. P. Legg | for Crown Zellerbach — Building Materials Limited |

Also Present:

Capt. F. S. Slocombe, Department of
Transport and liaison officer

Capt. J. S. Scott, Technical Advisor
to the Commission



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1
2
3 On commencing at 9:30 a.m., March 28, 1963.

4
5 MR. JACQUES: My Lord, before we go on with
6 the evidence, I beg to advise the Commission that on
7 a scrutiny of the minute book of the local Pilotage
8 Authority, it shows that recommendations which have
9 been filed during this hearing received the attention
10 of the Authority first on March 1st, 1961, and that
11 subsequently on the 28th day of March, 1961, they were
formally approved.

12 At the meeting at which this incident
13 took place, all the Commissioners were present, and
14 the relevant minute reads as follows:

15 "The secretary reported that, in accord-
16 ance with an agreement made with the Chamber of
17 Shipping at the meeting of March 1st, a list of regu-
18 lations pertaining to piloting in the Fraser River was
19 prepared and, with the approval of the Commissioners,
20 forwarded to the Chamber of Shipping. Copies of this
21 list were now examined by the Commissioners and it was
22 noted that while some of the items were definite
23 regulations, others were recommendations. It was there-
24 fore agreed that the heading of this list be changed to
25 read 'Regulations and Recommendations'. Also, in item
26 No. 1 of the Main River Channel section, the portion
27 after the word Sandheads should be deleted and a new
28 item added as follows: '(2) It is recommended that
29 vessels having a draft of 24 feet or more shall not
30 arrive at Steveston Cut on a falling tide.' The
secretary was instructed to forward this revised list



1
2
3 to the Chamber of Shipping."

4 And I am instructed by the secretary of
5 the local Pilotage Authority that the text to which
6 reference is made in this minute together with the
7 correction is actually the text which has been filed
8 before the Commission.

9 MR. LANGLOIS: My Lord, as I stated at the
10 close of the sitting yesterday afternoon, my case is
11 completed except for one witness, who is not available
12 today but could be available tomorrow. So with this
13 reservation that I be allowed to call this witness for
14 a few questions tomorrow, this is my case.

15 THE CHAIRMAN: Yes. We expect to finish here
16 tonight and tomorrow we will be here anyway, and the
17 sitting, if it is arranged, would be in the Hotel
18 Vancouver. We have not finished the arrangements as
19 yet as to finishing the Vancouver hearings, so it might
20 be more convenient for everybody that it be held in
21 Vancouver, for witnesses and counsel, and so on. But
22 this room here could be used tomorrow and the day after
23 if necessary if we don't have accomodation at Vancouver.
24 Now, your witness could be heard over there.

25 MR. LANGLOIS: Yes, my Lord.

26 MR. JACQUES: Now, if Your Lordship pleases,
27 I should like to make a suggestion to the parties. I
28 wonder if they would let us have their views on the
29 following status of pilots: that they be considered
30 private contractors to the full extent of the meaning
of those words; that is, they be free from all regu-
lation, and, of course, that they be free to negotiate



1
2
3 their own rates with shipping, but also that they bear
4 all expenses for their work.

5 You don't have to answer that question
6 now.

7 MR. LEGG: You mean the river pilots here?

8 MR. JACQUES: The river pilots here and B.C.
9 pilots. What would be your view or the view of your
10 clients if the pilots were private contractors, within
11 the strict meaning of the term? That is, there would
12 be no regulation at all, they would do their own
13 negotiating for rates, but they also bear all their
14 expenses.

15 MR. HUNTER: You are suggesting getting the
16 whole set-up out of government hands and let them do
17 their own negotiating and set their own rates?

18 MR. JACQUES: Yes.

19 MR. SPIER: I wonder if Mr. Jacques could break
20 down this proposal so that we could study it.

21 THE CHAIRMAN: It is just one of the various
22 possibilities which could exist. So we would like the
23 various parties to think it over. If it is not
24 convenient to everybody, that is all right.

25 There is also the counterpart of it, that
26 the pilots be civil servants. It is a public service --
27 whether they would be public servants, whether it would
28 be in the interest of the public generally and the
29 shipping interests and the pilots themselves that they
30 be civil servants.

There is the other way, the way it is now,
controlled by government or somebody else, etc. There



1
2
3 are various proposals.

4 MR. JACQUES: And I wish to add that this should
5 not be taken as an indication of the Commission's
6 decision. I don't know the Commission's decision. It
7 is just a thought, and we would like to have your views
8 on that thought.

9 THE CHAIRMAN: As a matter of fact, I heard that
10 for the first time this morning.

11 Is it the Chamber of Shipping now or the
12 Harbour Commissioners? In the order of the list I see
13 it is the Vancouver Chamber of Shipping.

14 MR. BIRD: My Lord, following the roll, I should
15 like, first of all, to file the brief of the Vancouver
16 Chamber of Shipping.

17 THE CHAIRMAN: It is filed.

18 MR. BIRD: Yes, I see that it is Exhibit 168.
19 Now I will call Mr. Middleton.

20 "SUBMISSION OF VANCOUVER CHAMBER OF SHIPPING"

21 KEITH C. MIDDLETON, Sworn

22 THE SECRETARY: Your name?

23 THE WITNESS: Keith C. Middleton

24 THE SECRETARY: Address?

25 THE WITNESS: 1662 West 52nd Avenue, Vancouver.

26 THE SECRETARY: Occupation?

27 THE WITNESS: Resident Director of Dodwell and
28 Company.

29 THE SECRETARY: Your age?

30 THE WITNESS: 64.

MR. BIRD: I don't know, My Lord, whether you
wish me to review Mr. Middleton's qualifications?



1
2
3 THE CHAIRMAN: No, we have them in the record.

4 MR. BIRD: Thank you My Lord.

5
6 DIRECT EXAMINATION BY MR. BIRD:

7 Q. Now, Mr. Middleton, you are a member of
8 the Vancouver Chamber of Shipping and Chairman of the
9 Pilotage Committee; is that correct?

10 A. That is correct.

11 Q. And have you the brief of the Chamber
12 of Shipping?

13 A. Yes, I have it.

14 Q. Now, it is not necessary for me to deal
15 with the first two pages of the brief. I would like to
16 come to page three and draw your attention to the third
17 paragraph which reads:

18 "Although we cannot dispute the right of
19 the New Westminster Pilotage Authority to make rules
20 and regulations affecting the piloting of vessels on
21 the Fraser River, we do feel it would make for better
22 understanding if all interested parties were consulted
23 prior to any change in rules."

24 Now, would you tell the Commission what
25 generally transpires when any change in the rules or
26 regulations is sought by the New Westminster pilots?

27 A. Well, presumably the New Westminster pilots
28 would go through their own Pilotage Authority and their
29 own Pilotage Authority would then make known what has
30 been agreed to the industry. This doesn't always happen
this way. We in the Chamber of Shipping very frequently
have no information at all on some of these subjects
which are up for discussion. As a consequence, we are



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4 unable to give advice or assistance if it is required,
5 or to note a protest if it happens to be the other way.

6 Q. When a change in the regulations is
7 sought, is the Chamber approached or warned about,
8 first of all, what regulations are to be changed and
9 whether the change in the opinion of the Chamber is
10 advisable or necessary?

11 A. Well, in the more recent period, I think
12 we have had a little better cooperation, speaking from
13 the point of view of the Chamber, we have had a little
14 better cooperation from the Pilotage Authority. But
15 certainly we were not getting very much up until a year
16 or a year and a half ago, something of that sort.

17 The Chamber of Shipping feels that they
18 are the most vitally, or one of the most vitally,
19 interested parties in this situation, and while we
20 are domiciled in Vancouver, we still control the
21 movements of our ships in New Westminster and look after
22 our ships in New Westminster, with the exception of
23 two or three customs brokers here who enter and clear
24 ships. But we certainly represent the owners and
25 operators of practically every ship that comes into
26 New Westminster.

27 Q. Now, in April, 1961, or the latter part
28 of March, 1961, certain recommendations for safe
29 navigation of vessels in the Fraser River were approved
30 by the Fraser River pilots, and Commission counsel
referred to minutes of the pilot's committee relating
to these matters at the opening this morning.

MR. LANGLOIS: Of the Pilotage Authority, not



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3 the pilot's committee.

4 MR. BIRD: The Pilotage Authority, yes.

5 Now, I take it you were not consulted
6 prior to this information coming to your notice?

7 A. To the best of my knowledge, we were not.
8 Of course, at the time, I wasn't the Chairman of the
9 committee, although I was on the committee.

10 Q. Now, on another occasion, will you tell
11 the Commission what occurred when the pilots stated
12 that they would not take vessels through bridges at
13 New Westminster during the hours of darkness, and I
14 refer particularly to the fourth paragraph in your
brief at page 3?

15 A. Well, as I recall that situation, and it
16 can be verified through the correspondence with our
17 secretary, we had no notice whatsoever about this
18 regulation which was put into effect. I say regulation.
19 The pilots and other people yesterday said they were
20 not regulations but certainly by the time they get to
21 us, in the various departments there, they are very
definitely regulations.

22 Anyway, this never came to our notice
23 until it had been accomplished.

24 Q. Now, without citing any further instances,
25 as a ship owner and some time charterer of vessels,
26 what effect, if any, has that had upon existing contracts
27 which you have had with either vessel owners or
charterers?

28 A. Well, this particular incident that you
29 have made reference to must certainly have greatly
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4 embarrassed one of our companies, because this hit just --
5 they had one ship scheduled to go up the river to
6 Fraser Mills to load, and normally we are committed to
7 pick up our cargoes weeks in advance, so it was obvious
8 that it cost that company a considerable sum of money.
9 They had to change all their committments, and as I
10 remember at the time, they finally barged the lumber
11 down.

12 Now, once lumber is sold you cannot add
13 to the cost of that without somebody taking a loss. If
14 you get yourself into that kind of a position, why, each
15 of numerous people along the chain have committed
16 themselves to buy and sell at prices, and when all of
17 a sudden you are confronted with something of this
18 sort, somebody is badly hurt.

19 Q. What about arrangements made with respect
20 to rotation of ports? What effect would a certain
21 decision communicated to you be likely to have, say,
22 on a ship that has already been loading for two weeks
23 throughout certain Gulf ports which, on arrival at
24 New Westminster, finds that it is not able to load, say,
25 above the New Westminster railway bridge?

26 A. Well, this could be quite disastrous from
27 the point of view of the operator or the charterers,
28 because this particular situation we are discussing is
29 basically one of what we call an S.I.O. type of lumber
30 charter, 6 to 8 loading berths, and these ships in this
particular trade make 6 to 8 loading ports or loading
berths, and there are a lot of vessels in this trading,
and as a consequence one is usually chasing the other



(Bird)

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4 around the circle, so to speak. When one vessels clears
5 Chemainus, the next one moves in, and when the next
6 vessel clears Nanaimo the next one moves in, when the
7 next one clears Fraser Mills the next one moves in and
8 the circuit takes over. When we break this thing, which
9 sometimes we have to do, frequently as a matter of fact,
10 it upsets not only the schedule of the operator but
11 of everybody. You have to move ships around and say
12 can you do this and that, and it eventually winds up
13 with somebody being stuck with extra stevedoring costs
14 and other additional expenses along the way.

15 Q. Now, when the New Westminster Pilotage
16 Authority has taken a position with respect to any new
17 regulation or change in regulation, what is the Chamber
18 of Shipping able to do about it, if anything, supposing
19 they don't like the change or if they don't think it is
20 a proper change to be made? What recourse have you?

21 A. We have no recourse at the moment. If
22 the Pilotage Authority in New Westminster is unwilling
23 to discuss it with us, there is no place we can really
24 go. We can probably make an appeal directly to the
25 Minister of Transport and go over the heads of the
26 Pilotage Commission, but this is not normally good
27 procedure.

28 Q. Have you required that the Pilotage
29 Authority discuss regulations which they have informed
30 you about and which they have said must be adhered to?

A. I didn't follow your question, sir.

Q. Have you asked the Pilotage Authority to
meet with you and discuss any change in the rules or



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4 any new rule that they consider should be put into
5 effect?

6 A. I would say that recently they have been
7 very much better on that point and I think have
8 endeavoured to be more cooperative in talking to us
9 on proposed changes. Is this the Pilotage Commission?

10 Q. Yes. As a result of any discussion which
11 may have ensued between you, has the Commission seen
12 fit to alter any regulation that they made?

13 A. Yes, I think that was brought up yesterday,
14 that they had altered their decision on two or three
15 matters, after we had had a chance to put forth our
16 views.

17 Q. Now, following on with your brief, in the
18 next paragraph you refer to these vessels with bridge
19 aft and effect that it may have upon the trading
20 position of the port of New Westminster. Would you tell
21 the Commission the views of the Chamber on that point?

22 A. Well, we in the Chamber of Shipping feel
23 that the rules and regulations governing the operation
24 of any harbour should be up to the authorities in charge
25 of that harbour, be it the National Harbour Board in
26 Vancouver or the Harbour Commissioners in New Westminster,
27 or what have you. The Harbour Authority obviously has
28 the right to control traffic within its own harbour and
29 to establish regulations in its harbour. But we do
30 object to, and object to violently, having the
pilots trying to control the harbour, which we think
is quite wrong. If the harbour authorities feel that
it is dangerous to transit a bridge because it might



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4 result in our wrecking the bridge or closing the passage,
5 that is the prerogative of the harbour authorities, to say
6 that they won't permit passage because it might result
7 in damage to our harbour or closing of our harbour. But
8 it is not the decision of the pilots.

9 Q. That is more a less of a question of the
10 tail wagging the dog?

11 A. Exactly.

12 Q. Now, you refer in that paragraph as well
13 to competitive disadvantage, in the last sentence:

14 "A Company entering the Charter is at a
15 competitive disadvantage if they cannot avail themselves
16 of current markets but must restrict the chartering to
17 specific types of vessels."

18 I think probably the way the sentence
19 should read is: "A Company entering the charter market."

20 A. That would be better, yes.

21 Q. Would you tell the Commission what you have
22 in mind there?

23 A. Well, most of the charter fixtures that
24 we have in this area are fixed on the London Exchange,
25 technically known as the Baltic Exchange. There are
26 also vessels fixed on the New York Exchange, and very,
27 very occasionally there will be a vessel fixed locally.
28 But I would say somewhere between 85 and 95% of ships,
29 tramp ships that we have trading around this course
30 are fixed on the Baltic Exchange.

The way this is done is that the prospective
charterer in Vancouver cables his broker on the Exchange,
tells him he wants a ship of a certain size to be avail-



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4 able as of a certain date, and then the owners of the
5 vessel, who also have their representatives on the
6 Exchange, get together and, like any other Exchange,
7 come to an agreement. In this day and age you are
8 getting more and more of these bridge aft type of ships,
9 primarily because they carry more cargo, due to the fact
10 that you don't have a shaft alley running down the centre
11 of the hold, and from the point of view of the charterer,
12 of course, the greater the capacity of that vessel the
13 better risk it is to him in making a success of his
14 proposed charter voyage. When you start to put a lot
15 of restrictions into this thing you upset the whole
16 apple cart and you interfere with the free competitive
17 exchange of rates, offers and acceptances, so that a
18 company could find that it is at quite a disadvantage
19 if they have to eliminate certain types of vessels from
20 their negotiations.

21 Q. Just dealing for the moment with these
22 vessels with the bridge and engines aft, what have you
23 to say as to whether they are the best, or close to the
24 best, type of vessel for the carriage of lumber such
25 as is exported from New Westminster?

26 A. There is no question that they are by far
27 and away the best vessels for the carriage of lumber.
28 That is the reason we have come to them. As I mentioned
29 a moment ago, with engine aft vessels, the first thing
30 you do is eliminate the shaft alley down the middle of
all the after holds. This might result in an additional
10% of space in that ship. In other words, you are
dealing with nice square holds, in which you can put



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4 package lumber, instead of dealing with what was the
5 conventional type of ship with the shaft alley in the
6 middle, and you had to put this lumber all in piece by
piece to take advantage of the space.

7 Q. Apart from the question of additional
8 cubic, has it made it easier to load and discharge?

9 A. They are ever so much easier to load
10 and discharge, because all their cargo gear and every-
11 thing is all on the fore deck. You can see what you
12 are doing. You can get at all the hatches, and it is
13 infinitely easier to supervise from the point of view
14 of stevedoring personnel. It is easier on the wharf
15 company because the hatches are all side by side, without
16 having the long space for the house in the middle, and
17 having then to split your delivery half going aft and
18 half going forward. As a matter of fact, it doesn't
19 take as much working room on the dock.

20 Q. Does that affect the loading and dis-
21 charging costs?

22 A. All these things affect the loading and
23 discharging costs. Most ships are loaded on a con-
24 tractual basis with a stevedoring company, and of course
25 the more cargo that is either put in or taken out in
26 the course of an hour, the cheaper it becomes.

27 Q. In the final sentence on page 3, you
28 say: "The Chamber of Shipping recommends that questions
29 of this type should be discussed between the interested
30 parties, and investigated thoroughly before any
arbitrary action is taken". What do you mean by
arbitrary action, and why does that word appear in the



(Bird)

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brief?

A. That word arbitrary was inserted there because of the incident which arose, which you have already asked me about, namely prohibition against that type of ship without our even knowing about it until after it had occurred.

Q. Continuing on page 4, you have set forth your second recommendation, which apparently is now shared in, or now supported, by the New Westminster pilots, perhaps not quite in the same way, but would you tell the Commission why you feel that the pilotage on the British Columbia coast, including that of the Fraser River, should be placed under one Authority?

A. Well, it would certainly simplify the operation of the ships from the point of view of the operators. We have not been, or let us say we weren't very happy with the former situation at New Westminster, although, as I have said, it has been better recently. We feel that the present situation is difficult and cumbersome. In other words, the pilots go to their Pilotage Authority, and the Pilotage Authority then goes to the Department of Transport, but since the Pilotage Authority is independent, they don't work anywhere near as closely with either the industry, or to my way of thinking, with **the pilots**, as does the Superintendent of Pilots, say in Vancouver, who is a direct employee of the Department of Transport.

Q. Yes. Now, you have also suggested that the Superintendent of Pilots in Vancouver should have supervision over both the B. C. pilots and the river



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3 pilots. What advantages do you think would accrue if
4 that should come to pass?

5 A. Well, I think there would be better
6 liaison all around, and that with better liaison every-
7 body would get better service, and with a happier
8 result. The Superintendent of Pilots in Vancouver is
9 already partially into this picture through the operation
10 of the pilot boat down at Steveston, and this results
11 in a sort of divided responsibility and a divided
12 operation of that particular boat.

13 Q. Since the Superintendent in Vancouver
14 now has no control over the Fraser River pilots, would
15 you expect that if he were placed in the position of
16 being able to oversee the whole situation, that the
17 problems that you are confronted with now would largely
18 disappear, some of them?

19 A. I don't suppose our problems would ever
20 disappear, but certainly they would be, in our opinion,
21 very much improved. You will never get away from some
22 disagreements in business, but we also go on to say in
23 that same paragraph that we recommend that the local
24 despatch office be maintained, and we feel that the
25 local Secretary and Despatcher, he operates in both
26 capacities, has done, and is doing, an exceptionally fine
27 job out here, and it is not our thought that that office
28 should be disbanded and the whole thing run from
29 Vancouver, but rather that the Superintendent would have
30 under his control two offices, one here and one in
Vancouver. The local Superintendent of Pilots, or not
Superintendent, the local Secretary to the Pilotage



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3 Authority, to my personal knowledge, has always been
4 most helpful in every possible way, and as a matter of
5 fact I think the pilots have been very helpful out
6 here in the river too. I certainly frequently personally
7 take advantage of them to call up and say "What depth
8 are you working on this week", and this kind of thing,
9 and tell them what ship we have coming, and so on, and
10 they are very helpful. They give us first rate in-
11 formation.

12 MR. BIRD: Thank you Mr. Middleton.

13 COMMISSIONER SMITH: If your Lordship please,
14 I would like to ask the witness a question.

15 You mentioned, Mr. Middleton, that some,
16 as I understood it, overall authority should be
17 exercised in the harbour, raising some issue about the
18 rates, and so on. Now, as I understand it, there are
19 various elements of the Crown that exercise authority
20 in every harbour, either the Department of Transport,
21 the National Harbours Board, the Department of Public
22 Works, the Department of National Health and Welfare,
23 the Department of Immigration, the Department of Trade
24 and Commerce, the Department of National Defence, and
25 there may be others to a lesser extent.

26 Now, how far would you want that overall
27 authority to go?

28 A. Well, sir, I realize that there are these
29 other authorities which you mention, but in our day to
30 day operation of course, we normally only come up against
the one authority. In the case of Vancouver it is the
National Harbours Board. In the case of New Westminster



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4 it would be the Harbour Commissioners. There are
5 certainly other things that --

6 COMMISSIONER SMITH: You were thinking of just
7 confining it exclusively to marine matters?

8 THE WITNESS: To the marine matters, and to the
9 movement and operation of the ships.

10 CROSS-EXAMINED BY MR. LANGLOIS:

11 Q. Mr. Middleton, you stated that you have
12 sub-agents here in New Westminster. Would you tell
13 the Commission as to whether or not these sub-agents
14 have been consulted by the local Pilotage Authority
15 on changes in regulations in the past?

16 A. They have not been to my knowledge, or
17 if they have been, the sub-agents have been very
18 negligent in passing it on.

19 Q. Then, if they have been so negligent,
20 they should be the persons to blame, and not the
21 Pilotage Authority?

22 MR. BIRD: I don't know that that is a
23 conclusion that necessarily follows, Mr. Langlois.

24 Q. Is it not a fact that Mr. Craig, who is
25 a Commissioner on the Pilotage Authority Commission
26 here, is also a member of the Chamber of Shipping?

27 A. Yes, that is correct.

28 Q. Have you tried to use him as your
29 representative to make your views known to the Commission?

30 A. Well certainly he attends all our meetings
of the Chamber of Shipping, and he has access to the
records on both sides. As a matter of fact I think more
might have been done along those lines.



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4 Q. Thank you. In your brief you state, on
5 page 2, that the pilot is only an advisor to the master.
6 Do you think that it should be so, that the pilot should
7 be the advisor to the master?

8 A. It is the only way it can be under our
9 present system of international law. Practically all
10 countries, or the law of all countries, holds their
11 masters responsible.

12 Q. But I am asking you if you agree with
13 that? I didn't ask you if it was done or where. Do
14 you agree that the pilots should act as an advisor to
15 the master?

16 A. I would have to say I do agree to that,
17 because I think it would be completely upsetting if
18 you tried to change it.

19 Q. How then do you reconcile this view
20 with your contention that the pilots should not make
21 recommendations as to restrictions to shipping in
22 restricted waters?

23 A. I didn't get your question.

24 (The reporter reads the question)

25 MR. BIRD: I don't think, My Lord, that that
26 is what the witness said at all. There is no question
27 but that the pilots are fully entitled to make
28 recommendations. I think the point was that they should
29 not take arbitrary action without consultation.

30 MR. LANGLOIS: I suggest, My Lord, that if the
witness wishes to make this contention, he should say
so, and not his lawyer.

MR. BIRD: I am following your example from



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3 yesterday, Mr. Langlois.

4 MR. LANGLOIS: I didn't know that you could
5 learn that fast.

6 THE CHAIRMAN: I think I have never known a
7 lawyer who does not do that.

8 Q. Then you claim that it is not your
9 contention that pilots should not advise as to the
10 restrictions to shipping in restricted waters, is that
11 so?

12 A. That was answered by our Counsel in the
13 same way. I would go along with what he said.

14 Q. But you are the witness. That is why
15 I am asking you.

16 A. Yes.

17 Q. Now, on page 3 you state that as an
18 example of your complaint, the refusal of pilots to
19 take vessels through the bridges at New Westminster
20 during the dark hours. Do you know how long this
21 restriction has been in force?

22 A. Are we now referring to --

23 Q. Refusal of pilots to take vessels through
24 bridges at New Westminster during dark hours?

25 MR. BIRD: It is the third paragraph.

26 Q. That is the fourth paragraph on page 3?

27 A. I don't know exactly how long that has
28 been in effect.

29 Q. Is it not a fact, Mr. Middleton, that this
30 restriction has been in force for at least 40 years?

A. I couldn't answer your question. I don't
know.



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Q. Have you ever complained, either to the Pilotage Authority, or to Ottawa, as to this restriction to take ships through the bridges after dark hours?

A. Well, I am quite certain that over the past number of years, through the Chamber of Shipping and other sources, that representations have been made to government to improve that situation.

Q. In your brief you state that the pilots, and I will quote your brief: "As an example of our complaint, we cite the refusal of pilots to take vessels through the bridges at New Westminster during hours of darkness". Is it not a fact, Mr. Middleton, that the pilots have not refused to take ships after dark hours through these bridges, but they have merely made a recommendation to the Pilotage Authority, which has agreed with them? Is this not the real situation?

A. I can't accept that, no.

Q. You cannot accept that?

A. Insofar as we are concerned, these kind of things come to us as individual operators as absolute refusals.

Q. That is your own idea, but not necessarily the facts. Have you ever asked the Pilotage Authority if they had sanctioned or approved these restrictions?

A. I am quite certain the Chamber of Shipping has done that from time to time.

Q. Would your records show what reply they got?

A. I think we would have to turn to the records of the Secretary. I couldn't answer it offhand.



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4 Q. In paragraph 5, on page 3 of your brief,
5 you state: "A Company entering the Charter is at a
6 competitive disadvantage if they cannot avail themselves
7 of current markets but must restrict the chartering to
8 specific types of vessels." Is it not a fact, Mr.
9 Middleton, that it would not be too economical to send
10 a ship of the size of the "Argyll" from Vancouver to
11 New Westminster to take a part cargo only?

12 A. Well, the "Argyll" was never fitted to
13 carry lumber to my knowledge.

14 Q. I said of the size. I didn't say the
15 "Argyll". A ship of that size?

16 A. That does not necessarily follow at all.
17 Providing the facilities in the river were capable of
18 taking care of the ship, I am quite certain some of our
19 operators would bring ships of that sort in here.

20 Q. And it would be economical to do so?

21 A. Well, that all depends on a lot of
22 circumstances. You can't just answer a question like
23 that yes or no, unless you have had access to the
24 various factors which go into it. How much lumber are
25 you talking about, what kind of a rate are you talking
26 about, and a dozen other things.

27 Q. Is it not a fact, Mr. Middleton, that there
28 has been a tendency in the last few years to barge the
29 lumber from New Westminster to Vancouver?

30 A. From what I have seen I am reasonably
certain that there has been more barging than perhaps
was done formerly, but this is done because of
restrictions that we run up against, more than anything



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3 else. It is not our desire to barge the lumber around,
4 or to force the shipper to barge his lumber around to
5 Vancouver. After all, our concern in the Chamber of
6 Shipping, and our concern in the Merchants' Exchange,
7 the Board of Trade, and everything else, is to develop
8 communities, to develop industry, because it is this
9 industry which creates the freight for the ships, and
10 incidentally without the freight and the ships there
11 would be no pilots anyway.

12 Q. Is it not a fact, Mr. Middleton -- that is
13 a very long speech, but it didn't quite answer my
14 question -- but is it not a fact that there is a saving
15 in barging lumber from New Westminster to Vancouver
16 instead of sending a large ship all the way up here to
17 take only a part cargo?

18 A. I wouldn't say that at all. Again, you
19 can't answer that question without knowing the facts.
20 You tell me how much lumber you are talking about, and
21 I can figure out then the cost of the barge, and so on.

22 Q. Well, take a ship that will take roughly
23 five million feet. Would it be economical to send her
24 up here to take one million only, instead of barging
25 that to Vancouver where she could take her full load
26 and have a quicker turn around?

27 A. Of course it would be cheaper to come up
28 here and get a million feet.

29 Q. That is your considered opinion?

30 A. Well, I am quite sure any other operator
will agree with that.

Q. Well, what about 500,000 feet?



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4 A. When you get down to 500,000 feet, then
5 I have got to find out the cost of the tug, the cost
6 of the barge, and a few other factors.

7 Q. Now, Mr. Middleton, would you advise
8 your masters to take a ship through these bridges
9 against the advice of a pilot?

10 A. As an individual I respect the views of
11 the pilots, and having had a great many of these local
12 pilots work for me from time to time I respect their
13 views, and certainly I would ask them their advice.
14 But it is one thing for me to ask somebody's advice,
15 and another thing to be told that I can't do it.

16 Q. My question was, would you order your
17 masters to take their ships through these bridges
18 against the advice of the pilots?

19 A. As an individual I probably would accept
20 the pilot's advice.

21 Q. Have you asked your masters if they would
22 be prepared to take a large ship with everything aft
23 through these bridges against the advice of the pilots?

24 A. Well, in the first place I don't have --
25 our company does not own any ships.

26 Q. Now, you are acting as agent, and you are
27 talking as a ship operator now?

28 A. As a ship agent I wouldn't make such a
29 decision.

30 Q. I am asking you if you have asked, as a
ship agent, any masters if they would take a large ship
with everything aft through these bridges against the
advice of the pilots? The answer can only be yes or no.



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4 A. I haven't done so, because I don't think
5 our company has had a ship in Fraser Mills, as far as
6 I remember. We have acted as owner's representative for
7 people whose ships were under charter, but we have never
8 asked it.

9 Q. You have testified as to the tendency of
10 building larger ships with everything aft. Is it not
11 a fact that you could build a large ship with everything
12 aft, with the engine aft, with the resulting advantages
13 that you mentioned, speedy loading and unloading of her
14 cargo, reduction in loading charges, and just the same
15 having all these advantages you could have the engines
16 aft, all your hatches together, but have the conning
17 position on the bridge forward? Is that not a fact?

18 A. This can be done obviously. You are from
19 the east, and you have seen the Great Lakes carriers.

20 Q. And it is done there to good advantage?

21 A. Now, they were obviously built that way
22 to take advantage of certain conditions existing in
23 that area, but it does not necessarily follow that that
24 type of ship would be successful in world trade.

25 THE CHAIRMAN: These ships you are referring to,
26 are they the lakers?

27 MR. LANGLOIS: The lakers.

28 Q. Is it not a fact, Mr. Middleton, that a
29 ship has been recently built especially for the lumber
30 trade with the engine aft and the bridge forward, to be
used on this coast?

A. It could be, but I have no knowledge of
it.



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4 MR. LEGG: I am just suggesting that if the
5 name is known it should be drawn to the witness'
6 attention.

7 MR. LANGLOIS: I am asking him if he knows of
8 one being built recently. If he does not know, he can
9 say so.

10 Q. The name of the vessel, I am informed,
11 is the "Teha". Have you heard of that ship?

12 A. I have not, no sir.

13 MR. LANGLOIS: You have not. That is all,
14 thank you.

15 CROSS-EXAMINED BY MR. LEGG:

16 Q. Mr. Middleton, is it not a fact that so
17 far as deep sea freighters coming to this coast are
18 concerned, that 90% of engine-aft ships do have their
19 bridge aft?

20 A. You could say almost 100%.

21 Q. And this is scarcely a condition over
22 which local shipping agents have any control?

23 A. We have no control over that at all. I
24 can elaborate upon that to this extent, that my
25 prediction is that within a few years this is the only
26 type of ship which is going to be built for the bulk
27 trade or the tramp trade. There are no conventional
28 ships being built today, to my knowledge, for the tramp
29 trade.

30 MR. LANGLOIS: Was your answer yes to this last
question?

MR. LEGG: Yes, his answer was yes.



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4 Mr. Registrar, have you got Crown Zellerbach's
5 brief, Exhibit #165? I would like to refer the Witness
6 to a photograph of a bridge-aft vessel in this brief,
7 Exhibit #11 to the brief, My Lord. Do all the Com-
missioners have a brief with the photograph in it?

8 Q. I was interested, Mr. Middleton, in your
9 references to package lumber and bridge-aft ships, and
10 the trend in that method of carriage, and I thought it
11 might be interesting for you to see a photograph of a
12 bridge-aft vessel, the "Sifnos", and my instructions
13 are that that illustrates a method of using, or loading
14 package lumber on the vessel. Can you comment on that?

15 A. Well, that appears to be a typical photo-
graph of that type of operation certainly.

16 Q. Now, the point I wanted to cover with you
17 is this. Has the trend to the bridge-aft vessel and
18 the use of package lumber come about as two parallel
19 trends, if you like, in the last two or three years?

20 A. I would say they came along pretty much
together, because they compromised each other.

21 Q. Do you recall a vessel, the "Sifnos",
22 loading what then was a record cargo?

23 A. I remember reading about it.

24 Q. Of eleven million feet. I would like to
25 refer to the Crown Zellerbach brief on the same question,
26 to some experiences that Crown Zellerbach has had at
27 Fraser Mills with reference to cargoes from that port,
28 and my instructions are -- and I am now referring to
29 Exhibit #3, My Lord, and this will be proved in evidence
30 later -- that there were cargoes in excess of three



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4 million feet loaded on our vessel at one particular
5 time?

6 A. Yes.

7 Q. I gather from your evidence that your
8 company has no particular experience at Fraser Mills?

9 A. We have not had direct experience. We
10 only represent the owners of some of the ships, when they
11 are chartered to the exporter, who deals with Fraser
12 Mills.

13 Q. Now, you are President of Dodwell?

14 A. Well, the local Manager.

15 Q. Does your company have any similar
16 experiences of similar types of loads from New Westminster?
17 When I say similar, I mean quantities in excess of
18 three million feet?

19 A. No, the same comment would apply there.
20 We represent the owners of these tramp ships, but they
21 are inevitably out under charter to one of the other
22 companies. So we have no direct control over the loading.
23 We would only come into the picture that way with our
24 liner services, and we are just not carrying enough
25 lumber on those ships to make a comparison.

26 MR. LEGG: That is all, My Lord.

27 CROSS-EXAMINATION BY MR. HUNTER:

28 Q. Mr. Middleton, with the permission of
29 his lordship, I wonder if you would mind explaining the
30 recommendation on page 4 of your brief. You recommend
the establishment of a Commission as set forth in B. C.
the Pilotage brief. Unfortunately, a number of us were



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3 not at that hearing and I think there are a lot of
4 interested parties here who would like to know something
5 about this Commission that you are recommending. It
6 is the first paragraph on page 4 of your brief. The
7 paragraph says: "The Chamber of Shipping contends that
8 all Pilotage on the B.C. coast, including that of the
9 Fraser River, should be under one Authority and
10 recommends the establishment of a Commission as
11 set forth in the B. C. Pilotage brief. Under the
12 formation of this Commission there would no longer be
13 any need for the present New Westminster Pilotage
14 Commission."

15 Could you tell us very briefly about
16 that?

17 A. Well, we recommended --

18 MR. BIRD: Excuse me, My Lord, for the assist-
19 ance of the witness, the reference in the brief filed
20 at the previous hearings appears on page 9 of the
21 Chamber of Shipping brief, and there is a paragraph
22 there dealing with the matter, and with your lordship's
23 leave I would like to give it to the witness.

24 MR. LEGG: It is just that there are a lot of
25 matters here we haven't seen before.

26 MR. BIRD: It is page 9, the second paragraph,
27 my lord, in the brief filed by the Chamber of Shipping
28 at the hearings in Vancouver, and it reads as follows:

29 "The Commission should be comprised of
30 three commissioners, domiciled in Ottawa, with a
Superintendent or a Manager in each area. The Pilots
would be under the control of this Board, who would



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3 admisinter all facets of Pilotage. The Commission would ad-
4 minister requirements for employment of Pilots, and
5 also their rates of remuneration. Any discussion on
6 earnings would be between the Commission and the Pilots."

7 THE CHAIRMAN: I think it also referred to
8 representatives in various places, and so on.

9 MR. BIRD: Yes, My Lord.

10 THE CHAIRMAN: Delegation of power.

11 Q. I believe you said that you would
12 recommend, in the event that this were adopted, that the
13 local Pilotage Authority should be in this area?

14 A. That is part of our recommendation, yes.

15 Q. Are you aware at all of what is the
16 owner's point of view with regard to taking ships through,
17 bridge-aft ships through the railway bridge?

18 A. I very seriously doubt if there are too
19 many owners the world over who know anything about the
20 situation. Most owners rely pretty well on their
21 masters. Certainly when you get as far away from the
22 ship's home port as Vancouver, the master would have
23 pretty well the final say, unless, of course, he was
24 persuaded by someone to take it up with the owners by
25 letter or phone or something else. But normally the
26 master is pretty well in control.

27 Q. Do you know, have you had any discussions
28 with the masters themselves as to what they personally
29 think of going through the bridge, regardless of the
30 fact that the pilots recommend they do not go through?

A. I personally have had no experience with
any masters going through the bridge or being requested



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4 to go through the bridge. We haven't had one in our
5 company.

6 MR. HUNTER: Thank you.

7 CROSS-EXAMINATION BY MR. LANGLOIS:

8 Q. Mr. Middleton, when you were asked what
9 was the percentage of ships with engine-aft which would
10 also have their bridge aft, was your answer 90%?

11 A. Well, I am talking about ships in our
12 area, I am not talking about world-wide.

13 Q. I meant using the B.C. coast?.

14 A. I would say yes, if the engines are aft
15 on this coast, in this area, the bridge would be aft
16 also.

17 Q. Is it not a fact that you have very many
18 ships with engines aft and bridge forward?

19 A. We don't have many around here that way.

20 Q. Do you know the Dorothy Ann?

21 A. No.

22 Q. Have you heard of that ship?

23 A. No.

24 Q. Do you know that that ship loaded in 1962
25 in the port of Vancouver?

26 A. I don't recall. I don't know. I may have
27 read it at the time, but I don't recall now.

28 Q. Do you know that that ship has engines aft
29 and bridge forward and has come on many occasions to
30 Fraser Mills, and that she carried 8.2 million feet, board
feet, of lumber?

A. I don't know. We have had nothing to do



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4 with that ship. You have obviously found an exception.

5 THE CHAIRMAN: There is a reference to that ship
6 in the Crown Zellerbach brief, Exhibit #3.

7 MR. LEGG: Yes. It is reported as loading at
8 Fraser Mills on July 17, 1962, and taking on 728,210 feet.
9 That is the gross quantity.

10 THE WITNESS: I do recall that ship now, I am
11 sorry.

12 THE CHAIRMAN: It is mentioned in Exhibit #3, a
13 ship with bridge amidship. That is what it says in the
14 Crown Zellerbach brief.

15 Would you like to file the photograph as
16 an Exhibit?

17 MR. LANGLOIS: Yes.

18 ---EXHIBIT NO. 179: Photograph of Dorothy Ann.

19 BY MR. JACQUES:

20 Q. Knowing all the dangers and difficulties
21 attendant on traversing the railway bridge here, and
22 assuming that the restriction imposed by the pilots did
23 not exist, would you let a bridge-aft ship go through
24 just the same?

25 A. Yes, if all the circumstances were right.
26 I think it was brought out yesterday that they may not
27 be able to follow the same procedure, but you will never
28 convince me that you can't take a ship through there,
29 if this is what you mean.

30 MR. JACQUES: Thank you. That is all.

MR. BIRD: I have no further witnesses. That
completes the submission on behalf of the Chamber of



Shipping.

THE CHAIRMAN: So we are going to recess for a few minutes.

---Short recess.

MR. HUNTER: My lord, I call Captain Clayton.

"SUBMISSION OF THE NEW WESTMINSTER HARBOUR COMMISSIONERS"

JOHN CLAYTON, Sworn

THE SECRETARY: What is your name?

THE WITNESS: John Clayton.

THE SECRETARY: Address?

THE WITNESS: 212 Carnarvon Street, New Westminster.

THE SECRETARY: Your occupation?

THE WITNESS: Port Manager at New Westminster.

THE SECRETARY: Age?

THE WITNESS: 64.

DIRECT EXAMINATION BY MR. HUNTER:

Q. Captain Clayton, how long have you been associated with the New Westminster Harbour Board?

A. Since March 1, 1950.

Q. In what capacity?

A. First as Harbour Master for possibly ten years, and then I became Secretary and Port Manager and Harbour Master for another two or three years. I then relinquished both the Harbour Master's job and the Secretary's job and reverted to Port Manager only, which is my present status.

Q. Would you have any sea-going experience,



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3 marine experience?

4 A. Yes. I was going to sea when I was 14 years
5 of age, and I have been at sea on and off ever since.

6 Q. What are your qualifications?

7 A. I hold a Master's Foreign Going Certificate,
8 which I obtained in Vancouver in 1922.

9 Q. Have you had considerable experience as
10 a Master on ships?

11 A. As a Master possibly on merchant ships,
12 about 5 or 6 years, constantly. Then, during the war
13 I was in the Navy, and I was navigating officer of the
14 Prince Rupert, which is well known on this coast, going
15 up to Prince Rupert, about 400 feet in length I suppose.
16 I was two years as Master of a corvette in the North
Atlantic.

17 Q. So you are well qualified?

18 A. I feel reasonably so.

19 Q. Captain Clayton, there has been consider-
20 able reference to these regulations or recommendations
21 put forth by the pilots in April of 1961. When did you
first hear of these regulations?

22 A. I am not sure of the exact date, but they
23 were brought to my attention by the Chamber of Shipping
24 in Vancouver.

25 Q. And as a result of their being brought
26 to your attention, what did you do?

27 A. To start with, I got in touch with the
28 pilots and obtained a copy of them, and then I wrote a
letter to the Pilotage Authority.

29 Q. I have a copy of that letter, which I
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Clayton, dir-ex.
(Hunter)

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4 would like to enter as an Exhibit. Possibly I could
5 just read it. It is a letter dated May 15, 1961,
6 addressed to John Warren, Secretary, New Westminster
7 Pilotage Authority, and signed by John E. Clayton,
8 Port Manager.

9 "The Vancouver Chamber of Shipping has
10 brought to our attention a series of recommendations
11 made by your Commission. On request you sent a copy of
12 these recommendations to this Commission under date
13 of your letter of April 28th.

14 Considerable concern has been expressed
15 by Vancouver shipping interests in regard to these
16 recommendations, which is shared by the New Westminster
17 Harbour Commissioners.

18 Of major concern to us is the fact that
19 although these are released to the Vancouver Chamber
20 of Shipping as recommendations, they are, in fact and
21 practice, mandatory and recognized as rules and regu-
22 lations for navigating the Fraser River, as laid down by
23 your Commission. This has caused some confusion, as
24 such authority is vested in the New Westminster Harbour
25 Commissioners only, under their Act of Incorporation.

26 The right and practice of our Pilots to
27 make recommendations to the Master of a ship who has
28 accepted his services is well recognized. However, this
29 right is not believed to extend to the publication of
30 blanket recommendations which must be accepted by the
Master and others concerned as an authoritative ruling.

This letter is not an attempt to quarrel
with the text, but rather to correct a situation which we



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3 believe can become increasingly detrimental to good
4 harbour administration.

5 It is our belief that should recommendations,
6 rules or regulations be made in regard to harbour
7 navigation, then such rules should be made under auth-
8 ority of this Commission.

9 The restrictive and adverse effect of
10 these recommendations in the Port cannot be ignored, and
11 it is thought that every avenue must be explored to find
12 a way by which the situation can be improved.

13 The reasons for many of the recommendations
14 are not clear and in order that the problems may be
15 pursued effectively, it would be much appreciated if we
16 could be provided with a brief comment on each
17 recommendation, giving the Pilots' reasoning in each
18 case and also any corrective means they might care to
19 suggest.

20 We would appreciate hearing your views
21 at your earliest convenience."

22 So that letter was written by you as a
23 result of the recommendations?

24 A. Yes.

25 MR. HUNTER: I would like to enter this as an
26 Exhibit.

27 MR. LANGLOIS: What is the date of the letter,
28 please?

29 MR. HUNTER: May 15, 1961.

30 THE SECRETARY: Exhibit 180.

---EXHIBIT NO. 180: Copy of letter dated May 15, 1961,
from John E. Clayton, Port Manager,
to John Warren, Secretary, New
Westminster Pilotage Authority.



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4 MR. HUNTER: Now, I have here a copy of the
5 New Westminster Harbour Commissioners Act, which is
6 Chapter 158, 3-4 George V, 1913. There have been
7 certain amendments with respect to loans and things,
8 but this Act is still in effect, and Section 20 (a) of
9 the Act reads as follows:

10 "The Corporation may make by-laws, not
11 contrary to law or to the provisions of this Act, for
12 the following purposes: -

13 (a) To regulate and control navigation and
14 all works and operations within the harbour, and to
15 appoint constables and other officials to enforce the
16 same, or to enforce the provisions of any statutes or
17 marine regulations relating to the harbour."

18 MR. BIRD: Do you have the statutory reference?

19 MR. HUNTER: It has not been brought forward
20 into the Revised Statutes.

21 MR. BIRD: All right, thank you.

22 MR. HUNTER: It is Chapter 158 of 3-4 George V,
23 1913. That is the Act under which the New Westminster
24 Harbour Commissioners operate.

25 COMMISSIONER SMITH: Mr. Hunter, would you mind
26 reading that section again?

27 MR. HUNTER: Yes. It is Section 20 (a):

28 "The Corporation may make by-laws, not
29 contrary to law or to the provisions of this Act, for
30 the following purposes: -

(a) To regulate and control navigation and
all works and operations within the harbour, and to
appoint constables and other officials to enforce the



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4 same, or to enforce the provisions of any statutes or
5 marine regulations relating to the harbour."

6 Q. Captain Clayton, I presume it is because
7 of that that you wrote that letter?

8 A. That is true.

9 Q. Now, as a result of becoming aware of
10 these regulations, what steps did you take?

11 A. Well, briefly -- I forget my details, of
12 course -- it resulted in our setting up a meeting between
13 my Harbour Commissioners and the Pilotage Commissioners
14 and the Pilotage Committee and myself.

15 MR. HUNTER: I would refer the Commission to
16 the brief of the New Westminster Harbour Commissioners
17 which is filed as Exhibit 166, and to the second
18 addendum in the brief, Memorandum of Proceedings of
19 Special Meeting of the New Westminster Harbour
20 Commissioners, held on Tuesday, January 16, 1962, at
21 4:00 p.m.

22 You had a meeting, you had negotiations
23 for a period of time?

24 A. Of which these minutes were the result,
25 yes.

26 Q. Have you a copy of the minutes there?

27 A. I have the brief with the minutes there.

28 Q. Did you make any suggestions at that
29 meeting?

30 A. I did.

Q. What were they?

A. On page 2, in the third paragraph down,
it states:



"It was then suggested by Captain Clayton that the Pilots could further discuss the problem at one of their own Meetings and endeavour to overcome some of the restrictions." This, of course, has reference to the rest of the sections which we have been speaking about. "He went on to suggest that leading lights could be installed on the Railway Bridge and that channel buoys and other navigational aids coupled with dredging beyond the bridge might permit night navigation in and out of Fraser Mills. He further suggested that the Pilots might also reconsider the recommendations for navigation in the main river channel in order to permit night navigation of bridge-aft ships in and out of the main harbour area."

Q. And were there any further discussions about bridge-aft ships in particular, Captain Clayton?

A. Well, not that I recall at that time.

Q. I refer you to the second paragraph on page 3?

A. Yes. "Captain Clayton pointed out that as the number of bridge-aft style of ships increases, the proportion of conventional style ships must decrease, and as the present restrictions do not allow for the passage of bridge-aft vessels over 375 feet in length, this would most certainly affect the number of ships calling at Fraser Mills. He further produced a number of letters from such groups as the Panama Canal Authority, the St. Lawrence Seaway Authority, National Harbours Board, Montreal etc., all of whom stated that there were no restrictions imposed on bridge-aft vessels 600 feet



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4 and under. A letter from Ropner & Co., England, a firm
5 of ship builders, stated that to the best of their
6 knowledge, the Port of New Westminster was the only
7 world port where restrictions were placed on this style
8 of vessel, and it has been their experience that
9 objection to this style of ship has been overcome as
10 Pilots and ship's personnel become accustomed to
handling them."

11 Q. Now, there are a group of letters at the
12 back of your brief, starting with the letter from
13 National Harbours Board, one from the National Harbours
14 Board, one from Sir R. Ropner, The St. Lawrence Seaway
15 Authority, the Panama Canal Company. These are the
letters you referred to?

16 A. These are the letters to which I referred,
17 yes.

18 MR. HUNTER: My Lord, will it be necessary to
19 enter the original letters, or will this be sufficient?

20 THE CHAIRMAN: As far as I am concerned, I am
21 satisfied with that, unless you wish to do so.

22 MR. LANGLOIS: No objection, My Lord.

23 THE CHAIRMAN: If you are satisfied, it is all
right.

24 Q. Now, if we might just turn to those
25 letters for the moment please, Captain Clayton, turn
26 to the letter from Sir R. Ropner & Co. (Management) Ltd.
27 This was the same company that my learned friend, Mr.
28 Langlois, referred to in some information he obtained
29 on behalf of his clients, which was Exhibit 174. This
30 is a prominent firm of ship builders and ship owners



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3 and ship managers, is it Captain?

4 A. So I understand.

5 MR. HUNTER: I would like to read this letter
6 into the record if I may. This is a letter to the
7 Port Manager from Sir. R. Ropner & Co.:

8 "Thank you for your letter of December
9 22nd requesting information regarding the navigability
10 in confined waters of ships with the bridge and engine-
11 room aft.

12 All new ships building for this company
13 are now having navigation bridge and engine-room
14 situated aft since we have found, from the size of the
15 ship which we require, that this is economical and in
16 practice the most expedient position for them. Our
17 researches have shown and experience confirms that
18 personnel (Captains, Pilots, etc.) responsible for the
19 safe navigation of these vessels have found that when
20 they become accustomed to a bridge aft they are not
21 conscious of any handicap even though in the first
22 instance it does take a while for personnel to get used
23 to the new conditions.

24 There are now very many ships of the
25 bridge-aft type in service and navigating Officers and
26 Pilots are becoming familiar with them.

27 We are not aware of any port in the world
28 other than New Westminster where Pilots refuse to take
29 charge of this type of vessel, but are aware that in one
30 or two places such ships are not popular. For instance,
in the case of super tankers which have abnormally long
forecastle there is a possibility that it will be found



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3 necessary to arrange for some forward navigation position
4 to be provided for use in confined waters.

5 For our part we would be delighted if your
6 pilots would agree to berth vessels with navigating
7 positions aft; we feel that by taking their present
8 attitude they are compromising the popularity of the
9 port of New Westminster.

10 Please let us know if we can be of any
11 further assistance to you in your enquiries."

12 Q. Now, Captain Clayton, the other letters
13 are of a similar vein are they?

14 A. That is correct.

15 MR. BIRD: My Lord, I don't think my friend
16 will mind me interrupting, so that there is no mis-
17 understanding, my knowledge of Ropners quite clearly
18 indicates that they are not ship builders as we know
19 the sense of the term. They are ship operators, owners
20 and managers.

21 MR. HUNTER: Thank you very much.

22 THE WITNESS: Thank you very much.

23 MR. BIRD: Well, I am wrong, My Lord. They do
24 build ships.

25 THE CHAIRMAN: Also, or only?

26 MR. BIRD: In addition.

27 THE WITNESS: Ropners are a very, very well
28 known firm in the United Kingdom, and I think they were
29 once known as the hungry Ropners. I am not sure of that
30 one.

MR. BIRD: No, you are thinking of the hungry
Hogarths.



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4 Q. Now, Captain Clayton, as a result of this
5 meeting, the minutes of which are an Exhibit, of January
6 16, 1962, and of production of these letters, and
7 discussion, then what happened?

8 A. Some time went along, and it came to my
9 knowledge from Crown Zellerbach's brief, which they had
10 submitted to the public hearing --

11 Q. If we may now turn specifically to the
12 next letter after the minutes in the brief. It is a
13 letter from the New Westminster District Pilotage
14 Authority, dated February 13, some months later, and this
15 is very briefly what? As a result of this meeting did
16 they in this letter agree to take bridge-aft ships
17 up river?

18 A. Yes, they agreed to bring bridge-aft
19 ships up the river at night time.

20 Q. So that there was one benefit of that
21 meeting?

22 A. Yes.

23 Q. Then what happened from there on? Were
24 there any further meetings?

25 A. Well, there was nothing further occurred
26 until it was brought to my attention through the brief
27 that Crown Zellerbach had submitted to the public hearing
28 we had on trifurcation, that there was a tremendous
29 fall off in lumber shipments from Fraser Mills. Then I
30 heard also, which I think was probably through the grape
vine, and not too much substance in it, that -- it could
have been that Crown Zellerbach were negotiating with
a large transport company, Johnstons Terminals to try



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3 and --

4 Q. I don't think we should get into some
5 of their personal business?

6 A. No, I think not, or am I? Well, let me say
7 this, that we were afraid that the lumber, or it came to
8 my attention that the lumber, it could be found to be
9 economical to ship it by truck to Vancouver. As we all
10 know, the speedways are being built in which give
11 immediate access to Vancouver from Fraser Mills. It
12 goes right past their wharf, and I had visions of streams
13 of trucks carrying that lumber to Vancouver, and I
14 became quite disturbed about it, and this letter is a
15 result of that.

16 Q. This is a communication to the pilots?

17 A. Yes, a memorandum to the pilots by ourselves.

18 Q. What was the tenor of this memorandum?

19 A. Well, I stressed the fact that what had
20 come to my attention, my fears in regard to Crown
21 Zellerbach --

22 Q. And did you make some suggestions?

23 A. And Fraser Mills, and it went on down the
24 letter --

25 Q. These recommendations?

26 A. Down at the bottom I quoted below several
27 suggestions that had been made as to how this service
28 can be maintained, --

29 Q. Just a moment, Captain Clayton. You were
30 worried that because of bridge-aft ships not getting
through to Fraser Mills that the port was going to lose
the benefit of shipping coming in?



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A. Yes.

Q. So these suggestions apply to the transit of bridge-aft ships through the --

A. That is true.

Q. I wonder if you would specifically read the four suggestions that you made?

A. #1 is: "that one or more pilots should be selected who would specialize in this service. Under the present system of rotation, a pilot might have this assignment only once a year, or even longer. Thus, no one pilot has an opportunity to become very familiar with these problems."

#2 is: "to increase the safety margin, tugs might be used on lines ahead to give greater manoeuverability and control."

#3 is: "that the bridge and channel could be brilliantly illuminated so that day and night navigation can be undertaken, thus making it possible to use day or night tides. A lot depends on the use of night tides in order to expedite a dispatch".

#4 is: "it has also been suggested that the ships could be towed in and out of the Fraser Mills. I feel that this suggestion is neither practical or economical. I believe it to be based on the fact that these people successfully tow large log hulks to and from this mill. I am attaching a list indicating the number of ships calling at this mill since 1954 and also the volume of lumber shipped to Vancouver by scow".

Q. And so you made these recommendations to the pilots?



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4 A. Yes, I asked them to review these
5 suggestions, yes.

6 Q. If we could just turn the page, what does
7 this chart show?

8 A. This chart is a statement showing the
9 growth of scow shipments from Fraser Mills to Vancouver
10 and New Westminster for trans-shipment overseas.

11 Q. The volume is on the right-hand column?

12 A. That is right.

13 Q. And what do the figures indicate in the
14 left-hand column?

15 A. It indicates that in 1954, 1,886,000 f.b.m.
16 shipped out of Fraser Mills by scow, whereas in 1961,
17 28,154,000 f.b.m. shipped out of Fraser Mills.

18 Q. Under the column "Ships", what does that
19 indicate?

20 A. That in 1954 there were 101 ships called
21 at Fraser Mills, and in 1962 to October 31, there
22 were 30.

23 Q. So that the shipping decreased to more
24 than one-third?

25 A. Yes.

26 Q. And the scow shipments increased by 14
27 hundred-fold roughly?

28 A. Well, they increased by 27,000,000, well,
29 let us say, no, that is unfair, say 26,000,000 in that
30 time.

Q. Just to carry this on a little bit further,
I wonder if you would mind turning to page 4 of your
brief?



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A. Back again.

Q. There is a chart in the centre of the page?

A. Oh, yes.

Q. Would you just explain what that chart shows, Captain?

A. These are the same figures, I think.

Q. No, the bottom chart.

A. Oh, the bottom one. The total ships on charter?

Q. Yes?

A. The figures illustrate the increase in the number of bridge-aft ships on charter to one of our larger British Columbia operators.

Q. You obtained this information from one of the shipping companies?

A. I did. In 1958 these people had on charter 83 ships, of which one was a bridge-aft ship. In 1959 they had 67 ships on charter, of which two were bridge-aft ships; in 1960 they had 107 ships on charter, of which three were bridge-aft ships; in 1961 they had 102 ships on charter, of which 22 were bridge-aft ships; in 1962 they had 111 ships on charter, of which 31 were bridge-aft ships. An increase from 1 to 31 in five years.

Q. So that there has been a tremendous increase in the use of bridge-aft ships?

A. That is true.

Q. There was a letter read yesterday from you to the pilots, I believe, with respect to doing something



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3 about the Railway Bridge, the Fraser River bridge. Did
4 your Commission take some action with regard to en-
5 deavouring to --

6 A. That had reference to the navigational
7 hazard created by the Railway Bridge?

8 Q. Yes?

9 A. Oh, yes. I have forgotten, it was January
10 of 1961. Prior to that we had been concerned for some
11 time about the situation at this bridge, and the
12 Commission authorized the preparation of a brief to be
13 submitted to the Department of Transport, recommending
14 that a lift span be installed to replace the swing span.

15 Q. How do you reconcile that thinking with
16 your suggestions that aids could be made to transit
17 ships through the bridge at this time?

18 A. Well, I wondered that myself. You might
19 think it was a little difficult to reconcile, that we
20 are blessed with this bridge, and even if this were
21 implemented today, that is if the government took it
22 in hand and decided they would do something, I think
23 it would be five years before the recommendations could
24 be implemented. This would mean that this port would
25 have to suffer, unless we were prepared to do something
26 about the bridge-aft ships before this time. Therefore
27 I felt that as this bridge was put through by the
28 government under the Navigational Hazards Protection Act,
29 and I didn't personally consider that this problem
30 couldn't be overcome, I thought that we should pursue
the problem of getting bridge-aft ships up the Fraser
River, but at the same time working through our brief



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4 to get the lift span installed.

5 Q. In other words, you are saying you feel
6 that it would be an aid to navigation to have a lift
7 span in, but you feel that it is not dangerous to
8 transit a bridge-aft ship through there?

9 A. I didn't hear that. I am a little deaf,
10 although I won't admit it.

11 Q. In other words, what you are saying is
12 that you feel that the swing span is a detriment to
13 shipping, but that it is navigable, and it is not that
14 dangerous?

15 A. Exactly.

16 Q. Did you prepare a brief?

17 A. It has been navigable up to now at any
18 rate. It was installed in 1954, and it has been up
19 to this date.

20 Q. Did you prepare a brief then with respect
21 to the removal of the swing span?

22 A. We did.

23 MR. HUNTER: I would like to enter this brief
24 as an Exhibit, My Lord.

25 THE SECRETARY: The brief by the New Westminster
26 Harbour Commissioners dated January, 1961 concerning
27 the lift span New Westminster Railway Bridge will be
28 Exhibit No. 181.

29 ---EXHIBIT NO. 181: Brief by the New Westminster Harbour
30 Commissioners dated January, 1961
concerning the lift span New
Westminster Railway Bridge.

Q. The purport of this brief is briefly that
you recommend that the -- well, you describe it, what is



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3 the purport of this brief?

4 A. Well, we dug into this problem, I did, and
5 we found that the government was in fact, at least in
6 our opinion, committed to move the swing span, and
7 replace it by a lift span in an Order in Council that
8 had approved the Pattullo Bridge in 1936.

9 Q. This was Exhibit 164 that was filed, My
10 Lord, Order in Council 153 of 1936, in which it was
11 stated that it was understood that the various parties
12 had consented to the erection of the bridge on the
13 understanding that the Railway Bridge, the movable
14 span would be replaced by a vertical lift span, and
15 that is set out in pages 3 and 4 of this brief. That
16 is right, is it not?

17 A. That is correct.

18 Q. And so you were asking the federal
19 government to implement this Order in Council?

20 A. That is right.

21 Q. The Commission Counsel asked if any
22 figures had been obtained on the cost of replacing
23 the swing span with a lift span. Did you obtain figures?

24 A. Our engineers submitted at this time we
25 put this brief in, I would think it is not a deeply
26 engineered programme, but it is an examination of the
27 situation by Swan, Wooster Engineering Company where
28 they submitted to us what the cost of the replacement
29 would be. We submitted one copy of this to the Depart-
30 ment of Transport.

Q. I show you a report. What is that
document there?



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4 A. This is a report from Swan, Wooster
Engineering Co. Ltd.

5 Q. What is the date of that?

6 A. March 1, 1961.

7 Q. And what figure do they give as the
8 estimated cost for replacement?

9 A. Total -- do you wish me to review these
10 items?

11 Q. I don't think so?

12 A. \$1,963,500.

13 MR. HUNTER: Now, My Lord, I have four photo-
14 static copies of this. We would like to keep the
originals, if I may enter the copies.

15 ---EXHIBIT NO. 182: Report of Swan, Wooster Engineering
16 Co. Ltd., dated March 1, 1961, to
17 the New Westminster Harbour
Commissioners.

18 THE WITNESS: I wonder if it would be of
19 interest to the Commissioners, the fact that Colonel
20 Swan, who made that estimate, also built the Pattullo
21 Bridge, so he is very, very familiar with the situation
22 surrounding these two bridges.

23 Q. He was the engineer on it?

24 A. Yes.

25 Q. So he is familiar with the footings in
the area, and everything that is necessary?

26 A. That is right.

27 Q. I think we will leave that, and just
28 generally would you, as having had a lot of marine
29 experience, give us your thoughts on what a pilot's
30 duties are?



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3 A. This, of course, is a difficult question,
4 and I have given it a lot of thought. I felt that the
5 matter would come up eventually, and with your Lordship's
6 approval, I have written out here very briefly the
7 answer to this question. I would like to read it, if
8 I may. I consider it is not the pilot's function to
9 refuse to take a ship through a given place in his
10 pilotage district. The opposite is the case. His
11 responsibility is limited by the Canada Shipping Act to
12 \$300.00.

13 Q. Do you wish to go on and amplify that?

14 A. Yes, I feel this, that it is the function
15 of the owner, or master, to decide whether or not to
16 accept the hazards of a particular trade. If necessary,
17 that a ship owner can place extra insurance to cover
18 any risk that might be involved in that particular
19 trade. I understand that extra insurance is usually
20 placed on ships using the St. Lawrence Seaway, for this
21 purpose.

22 Q. Now, Captain Clayton, you mentioned that
23 a pilot's liability was limited to \$300.00. If I may
24 read Section 362 (2) of the Canada Shipping Act: "No
25 pilot is personally liable in pecuniary damages beyond
26 the amount of \$300.00 for any damage or loss occasioned
27 by his neglect or want of skill". That is what you were
28 referring to?

29 A. That is what I had reference to.

30 Q. You have advised us that the Commission
entered the brief because of the fact that they thought
they would lose trade if bridge-aft ships weren't taken
up the river, and you have given us evidence that the
number of ships has decreased from 1954 to 1962 from



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3 101 to 33 in this chart?

4 A. Correct.

5 Q. And that the shipments by scows from
6 Fraser Mills has increased from 2,000,000 feet to
7 33,000,000 feet in a matter of 8 years?

8 A. That is correct.

9 Q. Now, are there any other economic matters
10 that enter into this beyond Fraser Mills itself?

11 A. Well, of course not as far as bridge-aft
12 ships are concerned, but the development of the upper
13 portion of the Fraser River, that is that area above
14 the bridge, is extremely important to the port and to the
15 growth of the area as a whole. It has been estimated,
16 our planners and everybody tell us that our rate of
17 growth in this area, when I speak of this area I mean
18 the lower mainland, My Lord, is projected ahead for
19 25 years by a survey the New Westminster Harbour Board
20 made some time ago, and although I can't quote the
21 actual percentage of increase, it is tremendous. We
22 expect a great development in the next 20 years.

23 Q. I refer to this memorandum which you
24 submitted to the pilots, which is an addendum to your
25 brief, and which is dated October 31, 1962. You made
26 several suggestions as aids that you felt might assist
27 in getting bridge-aft ships through the bridge. You
28 have suggested that a pilot might become specialized
29 in this service. Would you like to amplify that?

30 A. I think that of possibly all the suggestions,
I won't say all of them, that this is one of the most
practical. I think it must be obvious to all of us who
have had any dealings with ships and ships' peculiarities,



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4 whether bridge-aft or bridge extremely forward. Anything
5 that is different to the conventional vessels that you
6 have been used to is a little puzzling and difficult for
7 a man when he first steps aboard such a ship. Therefore,
8 I felt, and this is a peculiar trade up there, and as I
9 said here, this is only a possibility, but I think I
10 am correct in saying that a pilot might not go up there
11 for a year, and then get a call to go up there. I
12 think that if the ship you are assigned to goes to
13 New Westminster, you take her up and if it goes to
14 Fraser Mills, that is your ship. So, with this period
15 of time between ships you might say a man can go stale
16 on the job. He won't even know just what to expect,
17 whereas I feel that if he were taking ships up there once
18 or twice a year he would be much more familiar with it.
19 Specialization by one or two pilots. It would have to
20 be two or more, I think, because of reliefs and so on.

21 Q. Then you suggest, to increase the safety
22 margin, tugs might be used on lines ahead to give greater
23 manoeuverability. Would you like to amplify that?

24 A. This is a practice that is used a great
25 deal all over the world.

26 Q. Have you had any personal experience with
27 this?

28 A. I have. It is brought vividly to my mind,
29 because my ship was fined, well, not fined, we were
30 billed something like \$650.00 damages to the Port of
London Authority's launch, which they had improperly
moored, I claimed, however, when we got to Gravesend
there were two tugs in attendance. One made fast on a



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3 line ahead forward.

4 Q. This is going up to London?

5 A. Yes, a distance of possibly 10 or 11 miles.

6 But the channel is very curly and twisty, and they stick
7 that thing on ahead to insure that, supposing your
8 steering is not too good, or fails, or something happens,
9 it assists the steering of the ship.

10 Q. And this is the regular practice?

11 A. Yes, I can't quote any other cases in other
12 ports, but that is the practice in many parts of the
13 world.

14 Q. You have had this experience in other
15 ports too?

16 A. Yes.

17 Q. And, in your opinion, is it a practical
18 way of overcoming the difficulty we are having?

19 A. Oh, yes.

20 Q. Now, you suggest that for night passage
21 the bridge might be illuminated. Could you amplify
22 that? This is for conventional or bridge-aft ships?

23 A. I feel that we should endeavour to get
24 ships, both conventional and otherwise, up to the Fraser
25 Mills, both in daylight and dark, because this night
26 restriction causes delays to the ships and I have known
27 of occasions when they don't come to New Westminster
28 because they anticipate they are going to get a delay of
29 12 hours, waiting for the tide. The present practice is
30 if they miss this tide they anchor off the elevator till
there is an ebb tide for them to go up on. So if there
was a night tide or early morning tide and still dark



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3 they might have to wait until the following afternoon.

4 Q. How do you suggest this could be worked

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6 A. When I used the word illuminated, I think
7 everybody jumped to the conclusion that I wanted to light
8 it up with floodlights, but this is the furthest thing
9 from my mind, because as Captain Gilley and Captain
10 Spier said yesterday, these lights would only serve to
11 blind the pilots. But we could put in adequate leading
12 lights, to lead them up through the bridge, so that they
13 know that when they are on these range lights they are
14 in the proper perspective for the bridge. And then
15 other lights could be put around the base of the piers,
16 so that they could see the piers without having any
17 blinding effect to them. Then I think we could carry on
18 up the Sapperton Channel past that buoy, the centre
19 buoy.

18 Q. That is the Middle Buoy?

19 A. Yes. There is no trick in replacing those
20 spar buoys by a lighted buoy; and a similar light could
21 be put on at Fraser Mills. This is not a big undertaking
22 as far as the Department of Transport is concerned, and
23 I think under those circumstances it would be reasonable
24 to ask the pilots to take ships up to Fraser Mills, at
25 off-freshet periods.

26 Q. The other suggestion I made is that the
27 ships might be towed into the harbour.

28 A. Well, as I said, I felt that was impractical
29 and I still take that stand. Captain Rex Ingalls
30 yesterday told of his circumstances. I think he displayed



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4 considerable initiative in getting that ship up there
5 the way he did, but I wouldn't recommend it as general
6 practice.

7 Q. Why?

8 A. You have a ship with engines. Why tow
9 her up? He did that because he was unsure that the
10 engines would be available.

11 Q. There was also suggestion that ships lost
12 their visibility. Would it be possible to put
13 navigational lights on either side of the bridge so that
14 they could see their way up?

15 A. I feel sure aids could be put up. I don't
16 know what the pilots can't see. If they would tell us
17 what they can't see. Maybe range marks could be put up
18 there. If his bow is so high that he can't see, if
19 they put some marks up there -- I don't know how it
20 could be done. I thought they might be put on the
21 Pattullo Bridge. I think it would have to be looked
22 into from an engineering point of view, which we would
23 consider, and we would be happy to look at this situation.

24 Q. If you were to have a tug with line ahead,
25 who would control the tugs?

26 A. Well, I feel that this practice, if it is
27 going to be established, should be accompanied by a
28 little training course with the tugboat's master. They
29 know the waters well and they know exactly what the
30 pilot is attempting to do. After they have discussed
it with the pilots and have done it half a dozen times,
they know what the pilot wants. There are no signals,
they know, and they go to one side or another according
to the direction he receives from the pilots. This is



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3 to assist in case of a sudden sheer.

4 Yesterday everybody talked of speeds of
5 3, 5 or 6 knots, but when you have slack water you have
6 no knots. But there is a period of time when the speed
7 is not in excess of 2 knots, and I think most of these
8 ships will steer readily enough at a speed of 4 to 5
9 knots. I would go as low as 3 to 4 knots, depending on
10 the type of ship.

11 One of our tugboats has 500 horsepower and
12 is capable of a speed of $9\frac{1}{2}$ knots. So if your ship is
13 going at 3 or 4 or 5 knots, your towboat has still
14 marginal speed. So this should not be a reason.

15 I am not recommending line ahead towing
16 out of the bridge at 20 knots during freshet.

17 Q. This line ahead does not apply to the
18 freshet?

19 A. Well, I would certainly not want to say
20 without giving it a lot of thought. Our difficulty has
21 been that we get them confused.

22 Q. Now, would it be possible, if it was
23 necessary to bring tugs from Vancouver? Is that
24 feasible?

25 A. Well, it is possible. Then again there
26 is the cost element which enters into it, but it could
27 be done. I do believe if it was proved, if it was
28 shown that this could be done, my Commissioners would
29 be happy to review the matter. If it is necessary to
30 subsidize the tugs or some arrangement, then it would
be suitable for this purpose.

Q. Now, we can leave that line of questioning



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4 now, and I would like to go on to the charts.

5 May I have Exhibits 171 and 172, please?

6 COMMISSIONER SMITH: Mr. Hunter, would you mind
7 an interruption before you pass on to another point?

8 MR. HUNTER: No, not at all, sir.

9 COMMISSIONER SMITH: If Your Lordship please,
10 I would like to put a couple of questions.

11 On page 3 of the Memorandum of Proceedings
12 of the Special Meeting in the Harbour Commissioner's
13 brief, fourth paragraph down, I see this sentence:

14 "The Port Manager pointed out that the
15 present by-law on this matter is about the best that
16 could be devised, however, should complaints increase,
17 it may be necessary for political reasons ..." Should
18 that be "practical reasons" there?

19 THE WITNESS: Yes, sir.

20 COMMISSIONER SMITH: The question is, should that
21 be "practical" instead of "political"?

22 THE WITNESS: Well, to tell you the truth, both
23 the political and practical aspects of speeding on the
24 river comes into effect. We have a large fleet of fishing
25 vessels on the river, and they have significant political
26 significance, and they are very vociferous.

27 COMMISSIONER SMITH: Thank you very much. One
28 more question, referring to your Act of Incorporation,
29 and I will read it again. It is (a) of Section 20:

30 "The Corporation may make by-laws, not
contrary to law or to the provisions of this Act, for
the following purposes: -

(a) To regulate and control navigation and



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3 all works and operations within the harbour, and to
4 appoint constables and other officials to enforce the
5 same, or to enforce the provisions of any statutes or
6 marine regulations relating to the harbour."

7 I would like to have your opinion as to
8 how far you think your authority goes with regard to
9 that word "works." Now, I know there are installations,
10 there are piers, there is a grain elevator, and there
11 may be a lot of other installations. You control the
12 speed of the craft on the river, but does it go as
13 far as having anything to do with the question of the
14 bridge?

15 THE WITNESS: Where we enter into this works
16 business more than anything else is where piles are
17 being driven or walls put up or structures are being
18 made on the river, and it is our duty that they should
19 be proved under the Navigable Waters Protection Act.
20 We don't administer that Act, it is under the Department
21 of Public Works, but it is our duty to prove that they
22 are navigable under the Act before we permit them to go
23 forward. These bridges are approved under the
24 Navigable Waters Protection Act. That means that they
25 are approved by the government to be there.

26 COMMISSIONER SMITH: You don't feel you have
27 any authority as far as the Commission is concerned as
28 to the bridge as far as that section is concerned and
29 referring to the words "and all works"?

30 THE WITNESS: We have nothing to do with the
administration of it. It does concern us as a navi-
gational problem, that we are working on, of course.



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4 Q. Captain Clayton, if I might ask a
5 question or two leading from that.

6 When there is going to be something built
7 or erected on the river, before you will give your
8 approval you ascertain that approval has been given
9 under the Navigable Waters Protection Act?

10 A. That is true. Normally these things are
11 submitted in advance of construction, we approve them,
12 they go to the Department of Public Works and they
13 approve them, and they go to Ottawa.

14 Q. Captain Clayton, have you got Exhibits
15 171 and 172 there?

16 A. Yes.

17 Q. Now, Captain Clayton, would you look at
18 Exhibit 171, the one dated in February, 1955. You have
19 studied this. What does it indicate to you?

20 A. Well, it indicates the flow tests which
21 were made to obtain the discharge, as engineers call it,
22 the river discharge or the speed of the current or the
23 speed of the water in the various places where the
24 numbers are shown. These numbers are feet per second.

25 Q. We had Mr. Wallace state that knots would
26 be about 3/5ths of that?

27 A. Oh, did he? I have my own formula. If
28 you take 2.2 and multiply it by 60, that brings it to
29 the speed per minute, and multiply it by 60, which brings
30 it to the speed per hour in feet, and divide by 6080 and
you have knots.

Q. Would you go along with that or would you
go along with Mr. Wallace?



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3 A. Oh, I would go along with Mr. Wallace.

4 Q. What does this indicate as far as you are
5 concerned?

6 A. 2.4 appears to be the feet per second.

7 Q. This is in February, is it not?

8 A. Yes, 1955.

9 Q. Is February the freshet season or off-
10 freshet season?

11 A. It is the off-freshet season.

12 Q. And it indicates the speed under the
13 bridge?

14 A. Yes, and above and around the bridge.

15 Q. Would you work it out?

16 A. I would be happy to do it. It is 2.4, just
17 about the centre of the bridge. You multiply that by
18 60, multiply it by 60 again, and we get 86,000 feet.
19 Divide that by 6080 and you get 1.2 knots.

20 Q. That is roughly what Mr. Wallace said.
21 So that mean speed during freshet is 1.2 knots?

22 A. That is right.

23 Q. The next chart is in June of 1955. Is
24 that the freshet season?

25 A. Well, the freshet would normally be on at
26 that time, I would think. We have 7.8, 9.8, 6.7, 6.9.
27 The average there would be, say, 7 seconds, approximately
28 4 knots.

29 Q. Approximately 4 knots at that time?

30 A. Yes.

Q. Is there anything else you wish to say
about those charts?



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4 A. No, I don't think so. This was the
5 purpose we put them in. Amongst we practical people
6 we have all different currents, and we wanted to have
7 something that was factual as to what the current is.

8 Q. The difference between the freshet and
9 off-freshet seasons?

10 A. Yes.

11 Q. Now, Exhibit 172. This is a chart which
12 is described as a flow test chart. What does that
13 indicate?

14 A. This was made, I think, at my request.
15 We were having problems with the railway bridge in
16 regard to getting log hulks, etc., out of Fraser Mills
17 during the freshet period, and in order to establish
18 the position up there, we got the Department of Public
19 Works to make these surveys for us. There are some
20 at 5 feet depth, 15 feet depth and some at 25 feet
21 depth, the general trend to show a fairly even flow of
22 current through the bridge.

23 Q. Is that on ebb or flood tide?

24 A. This is freshet. It would probably be
25 5 or 6 knots at the Mission gauge.

26 Q. Is there any fall off at all?

27 A. There is a drag. I think Captain Gilley
28 said there was a drag. I would say that there are
29 no violent currents; you have a good steady flow. You
30 would have to counteract for that drag.

Q. Is there anything else you wish to mention
with respect to that chart?

A. I understand that the pilots coming down



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4 pass fairly close to the red buoy, between the light.

5 I would assume that the traffic passing through here --
6 it would appear that if they just stopped their engines
7 and drifted they would go right through the bridge
8 without any trouble. This is rather a hazardous way
9 of doing it.

10 Q. Now, Captain Clayton, you secured certain
11 plans of ships, bridge-aft ships, to show the visibility,
12 I believe?

13 A. That is true.

14 MR. HUNTER: Now, I have the original plans,
15 and I would like to get these back. Perhaps they could
16 be photostated.

17 The first chart that I would like to
18 enter, my lord, is a plan of the motor ship Brevik,
19 No. 762, prepared on the 10th of January, 1962, by a
20 firm in Göteborg, Sweden, and I have the plans and we
21 have been able to get from it one section. I have a
22 plan here which might be of assistance to your lordship
23 from Captain Clayton. This will be entered as Exhibit?

24 THE SECRETARY: 183.

25 Q. Now, Captain Clayton, would you explain
26 the question of visibility?

27 A. What we are attempting to do here, we have
28 a profile plan of a ship called the Fenix. This is a
29 plan of the Fenix. She comes in here quite frequently.
30 What we have done is make a diagram of that part of the



Clayton, dir-ex. 1789
(Hunter)

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3 ship, to scale.

4 MR. JACQUES: The Witness is indicating the
5 midsection of the plan of the m. v. Fenix.

6 THE WITNESS: That is right. This is a bridge-aft
7 ship. We put the two of them together. This is
8 approximately the place where the bridge comes on the
9 Fenix -- not approximately, it has been carefully
10 measured -- and when you put these things together
11 you find the position thusly. The pilot is on the
12 bridge of the Brevik here, and we took the decks
13 involved, rather than taking the wheelhouse, which we
14 didn't know the height of, and the deck of this
15 navigating bridge, the navigating deck, this line
16 extended to the head of that ship is higher than the
17 line extended from the Fenix, indicating that the
18 pilot on the Brevik would have a better view and see
19 the water ahead of his ship earlier than the pilot on
20 the Fenix, which is a conventional ship.

21 MR. HUNTER: My Lord, would you like the
22 Witness to explain this to you very briefly?

23 THE CHAIRMAN: Yes.

24 ---EXHIBIT NO. 183: Profile plan of M/S "Brevik",
25 profile plan of M/S "Fenix", and
26 draft chart of "Polyrover", "Brevik"
27 and "Fenix".

28 Q. Now, just one other question with regard
29 to that visibility scale that you showed me. Would this
30 be when the ship was trimmed?

A. Well, it will vary, of course, according
to trim. If one ship was trimmed by the nose and the



Clayton, dir-ex. 1790
(Hunter)

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4 other one down by the stern, you are going to throw
5 that thing galley west. I think if conditions were
6 approximately the same aboard each ship, then you would
7 find that it would turn out that way. Most ships do
8 trim, you know, within a reasonable degree of one
9 another. Have we got the drafts and loading charts
there?

10 Q. I show you a chart. Did you make this
11 chart, or cause it to be made?

12 A. I did.

13 Q. And what does it show?

14 A. It shows loaded and light drafts of three
15 vessels. One is the "Polyrover", the "Brevik", and
the "Fenix".

16 Q. What does this chart show, Captain Clayton?

17 A. Well, if we take the "Brevik" first.
18 We find that the light draft is 6 feet forward and 18
19 feet aft, and compare that down below with the "Fenix".
20 I must say I have not done this before, and I don't
21 know how this is going to work out. It is 5 feet and
22 15 feet, giving a mean of 10. The "Brevik" is 12 feet
23 by the stern and this difference of two feet should not
24 make any great difference in the sight view point of
25 view that we indicated there, and that is when the ship
26 is light. Then, going on to the loaded drafts, the
27 "Brevik" is 29 feet 02 inches forward and 30 feet 04
28 inches aft, and the other one, the "Fenix" is 30 feet
29 03 inches forward and 30 feet 08 inches aft, 5 inches
30 different in the case of one and 1 foot 2 inches or
14 inches different in the case of the other, still not



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4 a sufficient range of draft to make any material
5 difference in the vision point of view.

6 MR. HUNTER: I wonder if this, My Lord, could
7 be entered in as part of Exhibit 183.

8 Q. My Lord, I would like to produce a plan
9 of the Fraser River, Exhibit 157. Captain Clayton,
10 I show you Exhibit 157. This is a plan of the Fraser
11 River, showing the soundings upriver from the bridge.
12 Is that right?

13 A. That is right.

14 Q. Now, you have made some studies of this,
15 have you not?

16 A. Oh, yes.

17 Q. And do you wish to make a demonstration
18 with some models that you have prepared on this?

19 A. I thought it might be useful to the
20 Commission to demonstrate what we have done here. We
21 have a chart, or a plan, which has a scale of 1 inch
22 to 400 feet. We have made some models of, we took
23 the "Kavadoro"'s statistics.

24 Q. Now, Captain Clayton, that is a scale
25 model of what ship?

26 A. The "Kavadoro", 521 by 62.

27 Q. And it is to scale?

28 A. 1 inch to 400 feet.

29 Q. Now would you go ahead with your
30 demonstration?

31 A. The purpose of this is just to show to
32 the Commission the problem of getting ships through this,
33 and to demonstrate the currents, and the possibility of



Clayton, dir-ex. 1792
(Hunter)

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4 getting in behind here, the problems the pilots have
5 in getting across there. So we assume that normally
6 their approach is fairly straight, coming up here,
7 with not much current either one way or the other. They
8 meet it fairly well head on, and they go through so.
9 There is your ship now in the centre of the span. So
10 they have to keep on going and get up here, and then
11 they have to swing a little bit. You can see what the
12 problem is to get in behind that buoy. You come through.
13 There is good swinging room. You could come up to here
14 if you wanted to, and so on. You proceed up to the
15 Fraser Mills, and the ship is put alongside here. She
16 is there, and we will take her out. The pilot's usual
17 method, I believe, is to bring them up here, above
18 the bridge, where they are turned completely around,
19 and brought back again downstream this way, through
20 what we call the Port Mann Channel. There are two
21 red buoys here. I could be wrong, I just dotted them
22 in, not very accurately. However, they come down very
23 close to this buoy, and head off through the bridge
24 that way. It is here that they get that drag over --

25 THE CHAIRMAN: A drag to the north or to the
26 northwest?

27 THE WITNESS: Yes.

28 Q. You have done another one, on a different
29 scale, showing the bridge. What is the scale there?

30 A. 1 inch to 200 feet.

THE CHAIRMAN: Is this an Exhibit?

MR. HUNTER: Yes, My Lord. That is the float
test, Exhibit 172.



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4 THE WITNESS: This is the same ship, 521 by 62,
5 on the same scale. The only thing I wanted to show here
6 is the relative situation that exists as to the clear-
7 ances that one has. Here is your ship now, we will say,
8 presently in the centre span of the bridge, coming
9 upstream. I am not going any further, because the buoys
10 are not shown. Coming down here is the red buoy of
11 which I spoke, and in coming downstream you will find
12 that the currents are, according to this thing at any
13 rate, more or less right in line with a slight drag
14 over. I have been told that the pilots normally steer
15 for this span here, and then they let her drift over
16 and pop her through.

17 MR. HUNTER: I think that is all you wish to
18 explain. I would like to enter these two envelopes,
19 containing the scale models of the "Kavadoro", one
20 containing a scale of 1 inch to 200 feet, and one
21 containing a scale of 1 inch to 400 feet.

22 ---EXHIBIT NO. 184: Two envelopes, containing scale
23 models of the "Kavadoro", one
24 containing a scale of 1 inch to
25 200 feet, and one containing a
26 scale of 1 inch to 400 feet.

27 Q. Captain Clayton, do you recall yesterday
28 that my learned friend, Mr. Langlois, made certain
29 references to notations on charts, that they varied from
30 time to time?

A. Yes, the notation was something along the
lines that buoys cannot be relied on, owing to the
currents.

Q. Would you comment on that?



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4 A. Only to this effect, that every chart
5 that you use has some such comment on it. For instance,
6 I think all river charts nearly invariably have this
7 comment. It is given because a man coming in from sea
8 does not know the situation, what it is. We also have
9 the same notations, for instance I think on charts of
the west coast of Vancouver Island.

10 Q. Is this common throughout the world?

11 A. Yes. In that particular regard, on the
12 west coast of Vancouver Island, it says the natives are
13 friendly, and down in the South Seas you will often see
the fish is poisonous.

14 MR. BIRD: What about the New Westminster
15 natives?

16 Q. Are there any other charts given to the
17 pilots other than these regular sounding charts?

18 A. Oh, yes. They don't use those for
19 navigating. They use more what we call the quarterly
surveys put out by the Department of Public Works.

20 Q. These are put out quarterly, are they?

21 A. They are supposed to be. That is as far
22 as I will go on that one. They also have throughout
23 the year, we get various larger scales of certain
24 important points, like Anniesville Channel, St. Mungo's
Bend, or the Steveston Cut, and so on.

25 Q. If we could just refer to your brief for
26 a moment, Captain Clayton. You suggest on page 3, item
27 (c), "that machinery should be set up whereby difference
28 of opinion on technical matters between Pilots, Shipping
29 Interests or Harbour Administration and others may be
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3 brought to a satisfactory conclusion ----" What did you
4 suggest in that?

5 A. Well, I didn't know exactly what should be
6 done on this problem, but I did feel that closer liaison
7 has got to be worked out some way between the various
8 people involved and the shipping interests. I thought
9 that possibly the way to do it would be that if you did
10 get into an impasse, or a dispute, that if the Canada
11 Shipping Act could be amended, and that would auto-
12 matically go into the pilots' by-laws, local machinery
13 could be set up, possibly with a Magistrate or local
14 Judge, and interested parties on both sides could discuss
15 and try to work out the problem to the benefit of the
16 Port and all concerned. I still think it is a very
17 practical suggestion. Even if the Pilotage Authorities
18 are changed over, this would still be a useful thing
19 to have as a method of control of the administration.

20 Q. Captain Clayton, in your official capacity
21 as Port Manager, and in your professional capacity as
22 a Ship's Master holding a seagoing foreign licence, do
23 you consider that the bridge is navigable with a bridge-
24 aft ship?

25 A. I do, yes, definitely. If I could amend
26 that a little bit, I would say this, that I think it
27 is less hazardous to take a bridge-aft ship up to the
28 Fraser Mills against, let us say a slight ebb tide,
29 than it is to bring a conventional ship out of the Fraser
30 Mills with the Mission gauge reading 20, and possibly
a 6 knot tide behind you.

Mind you, I am not suggesting this



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4 practice should be stopped, but I am suggesting that
5 of the two it is probably the most hazardous.

6 Q. Are there any other comments that you, as
7 the Port Manager, would like to make?

8 A. I think we should say this, that all my
9 comments, in regard to bridge-aft ships getting through
10 that bridge, that I do feel that it can be done, and that
11 it is practical. That it should be done. I am talking,
12 when I say this, of the 9 months of the year when we
13 have no freshet to contend with, when the pilots have the
14 assistance of flat water, or a slightly ebb tide going
15 up, or the reverse coming down, slack water and slight
16 flood tide. They then have, or should have, the most
17 excellent control over their ship, because they can
18 dawdle along as they wish, and they don't have to go
19 fast, as they do in a freshet. They could go through
20 the bridge at 3 knots. If they do hit something the
21 possibility of damage, loss of life or injury, is
22 greatly reduced owing to the fact that your speed is
23 reduced.

24 MR. HUNTER: Yes, thank you very much.

25 THE CHAIRMAN: I don't think we will undertake
26 the cross examination now. We are going to adjourn
27 until 2:15.

28 ---Adjournment at 12:45 p.m. until 2:15 p.m.
29 ---Upon resuming at 2:15 p.m.

30 MR. HUNTER: My Lord, may I ask Captain Clayton
one further question? It does not have to do with the
bridge.

THE CHAIRMAN: Please do.



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4 Q. Captain Clayton, if the recommendation of
5 the Chamber of Shipping **is that the Pilotage Authority**
6 be removed, where would you wish the Pilotage Office
7 to be for this area?

8 A. My Commissioners have gone out strongly
9 in favour of a local office being maintained in New
10 Westminster; and they also at that time expressed their
11 appreciation of the service that has been rendered to
12 shipping by the present incumbent Jack Warren.

13 MR. HUNTER: Thank you.

14 CROSS-EXAMINATION BY MR. LANGLOIS:

15 Q. Captain Clayton, this morning you stated
16 your experience. Would you tell the Commission as to
17 whether or not you have had experience taking ships
18 on your own, I mean without a pilot, up the Fraser
19 River?

20 A. I am having difficulty, Mr. Langlois, on
21 account of my deafness. It is a long way off.

22 Q. You stated your experience this
23 morning, Captain Clayton. Would you tell the Commission
24 as to whether or not you have had previous experience
25 in taking ships up the Fraser River on your own, that
26 is without a pilot?

27 A. None; except very small craft. For three
28 years I ran a boat through the railway bridge, but it
29 was only a small vessel about 40 feet in length.

30 Q. So your only experience in taking ships
up this river has been with a 40 feet boat?

A. Correct.

Q. Have you ever taken a large ship through



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3 the bridges?

4 A. No.

5 Q. Am I then to assume that your only
6 experience in taking ships through these bridges was
7 this morning when you did it on paper?

8 A. You could put it that way.

9 MR. HUNTER: I think there was evidence from
10 your own witness yesterday that he had been Master of
11 ships.

12 MR. LANGLOIS: I said on his own.

13 Q. Captain Clayton, I will come to the point
14 raised by your Counsel. There was evidence yesterday
15 that while you were acting as Master on a Park ship you
16 have gone through that bridge with a pilot on board. Did
17 you yourself at that time do the conning of your ship?

18 A. No.

19 Q. Have you done that before?

20 A. Done what?

21 Q. Done the conning of a ship coming through
22 the bridges?

23 A. No.

24 Q. This morning -- and correct me if I am
25 wrong -- you seemed to find some problems between the
26 rules and regulations made by the local Pilotage
27 Authority as compared with the powers given in your
28 Act of Incorporation, the powers given to your Com-
29 mission to regulate and control navigation and all
30 works. Have you ever complained of this to the Pilotage
Authority or to some other party?

A. Not seriously. I brought it to their



Clayton, cr-ex. 1799
(Langlois)

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4 attention on May 15th.

5 MR. HUNTER: That is Exhibit 180?

6 THE WITNESS: The letter which was exhibited
7 this morning.

8 I might say that that is the first time
9 it happened to my knowledge.

10 Q. Are you of the opinion that there are
11 contradictions between the regulations and rules made
12 by the Pilotage Authority and the regulations and rules
13 made by your own body?

14 A. No. My contention is that these regu-
15 lations should not be made by the pilots, they should
16 be made by the Harbour Authority which has the regu-
17 latory authority on the river.

18 Q. Is it not a fact that in other parts of
19 the world, in other parts of Canada, that you have this
20 same conflict of authority, regulations made by the
21 local harbour authorities and those made by other
22 parties?

23 A. I don't know, sir.

24 Q. Now, this morning, sir, reference was made
25 to a letter written by Ropner & Co. to you?

26 A. Yes.

27 Q. In 1961, by Ropner & Co. (Management) Ltd.,
28 and I note that in the sixth paragraph of this letter
29 mention is made of the pilots berthing vessels in New
30 Westminster, and I quote the paragraph:

"For our part we would be delighted if
your pilots would agree to berth vessels with navigating
position aft. We feel that by taking their present



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3 attitude they are compromising the popularity of the
4 port of New Westminster."

5 Since the letter to which this letter
6 replied was not filed, would you tell the Commission
7 if your letter addressed to Ropner & Co. (Management) Ltd.
8 had to do with the berthing of vessels or the taking of
9 vessels through the bridges?

10 A. I can't answer this very accurately. It
11 would appear to me what I did was to write to find out
12 whether there were any restrictions on bridge-aft ships
13 in other places of the world. I did this to the various
14 authorities that are here.

15 Q. Would it be possible for you to file this
16 letter of December 22, 1961, to which the letter from
17 Ropner & Co. (Management) Ltd. refers?

18 A. I think so, without any difficulty. Would
19 tomorrow be adequate?

20 MR. LANGLOIS: Yes.

21 THE CHAIRMAN: Yes.

22 MR. LANGLOIS: And here, My Lord, I wish to draw
23 your attention to the fact that this letter refers only
24 to the berthing of vessels.

25 Q. Have you asked Ropner and Co. to elaborate
26 on the statement contained in the fifth paragraph of
27 their letter where they state that they are aware that
28 in one or two places such ships are not popular? Have
29 you asked them to elaborate on that?

30 A. You want me to elaborate?

Q. No, have you asked Ropner & Co.?

A. No.



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3 Q. To elaborate on what they meant?

4 A. No, I did nothing further than this letter.

5 Q. Do you agree with the statement that these
6 bridge-aft ships are not popular in places?

7 A. I would say this, Mr. Langlois, that they
8 keep getting used. Is that a fair answer?

9 Q. Yes, it is a fair answer. Now, I see in
10 this brief to the Honourable Leon Balcer, the Minister
11 of Transport, or whoever it was at the time --

12 MR. HUNTER: Yes, it was Balcer.

13 Q. It is Exhibit 181. I note on page 1,
14 paragraph 2, of Exhibit 181, that you make the following
15 statement in that brief:

16 "This is necessary in order to remove a
17 navigational hazard which is extremely restrictive to
18 presently established industries."

19 Do you still agree with that statement?

20 A. I do, sir.

21 Q. Now, again, further on in the preamble of
22 the same brief, the second paragraph on page 2, it is
23 stated:

24 "This site was discarded because of strong
25 opposition by local shipping and industrial interest on
26 the grounds of increased navigational hazards."

27 A. Page 2?

28 Q. Yes.

29 A. I haven't discovered it here yet.

30 Q. It is the first paragraph, page 2, the
second sentence.

A. I have it, yes.



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3 Q. Is this still the situation?

4 A. Well, it is an accomplished fact. This
5 is something that happened, yes, in 1936.

6 Q. So this was the situation in 1936?

7 A. Yes, sir.

8 Q. Is it not a fact that since 1936 ships
9 have been getting bigger and bigger?

10 A. I would agree with that.

11 Q. Is it not a fact that since the ships
12 have been getting bigger and bigger the dangers,
13 hazards mentioned, have also increased?

14 A. I would agree with that.

15 Q. So am I right in assuming that you still
16 consider these bridges are very serious navigational
17 hazards?

18 A. I would have to agree with that one.

19 Q. Now, coming back to your brief, on page 4
20 you give a table giving the steady decline of ships
21 serving Fraser Mills and the increase in cargo shipped
22 out by scow to Vancouver and New Westminster. Would you
23 remind the Commission of the date when this restriction
24 on bridge-aft ships was placed by the local Pilotage
25 Authority? In what year was it?

26 A. I didn't get the latter part of your
27 question.

28 Q. When was the restriction placed by the
29 local Pilotage Authority on the taking through the
30 bridges of bridge-aft ships?

A. Oh, dear, I can't recall.

Q. Was it not in 1958, in the middle of 1958?



(Langlois)

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3 A. I don't know. I would only be guessing if
4 I were to assume I did.

5 Was it in 1959?

6 A. I don't know, sir.

7 MR. HUNTER: Could you refer him to page 2 of
8 his brief, please.

9 Q. By the way, are you the one who drafted
10 this brief?

11 A. Yes, sir.

12 Q. Alone or in cooperation with other
Commissioners?

13 A. Well, I made an original draft and sub-
14 mitted it to the Commissioners, and they made what they
15 considered and I considered also some useless suggestions
16 as changes, which were all incorporated.

17 Q. Have your Commissioners any sea experience?

18 A. No.

19 Q. On page 2 of your brief, I am told by your
20 Counsel, there is mention of the date apparently of the
21 coming into force of this restriction on bridge-aft
ships going through the bridges?

22 A. He possibly has reference to the "Kavadoro".
23 She went through in May, 1957.

24 Q. So it is safe to assume that the restriction
25 came into force after 1957?

26 A. I would say so, yes.

27 Q. Now, coming back to page 4, since before
28 1957 there was no restrictions apparently upon bridge-
29 aft vessels going through the bridge, how could you
30 explain the figures which you mention on page 4 and which



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4 show a tremendous increase of shipments by scow from
5 New Westminster to Vancouver?

6 A. Well, there is still a substantial increase
7 from 1957 to the end of 1962. You will notice that
8 it was seven million in 1957, eleven million in 1958,
9 and it dropped to six million in 1959 and up to eleven
10 million in 1960, twenty-eight million, thirty-three
11 million.

12 Q. Go back to 1954. There was quite an
13 increase in shipments by scow there?

14 A. That is true.

15 Q. And that was before the restriction on
16 bridge-aft vessels?

17 A. That is right.

18 Q. How would you account for this increase
19 in shipments by scow?

20 A. I can't account for it.

21 Q. You can't blame it on the restriction
22 on bridge-aft vessels?

23 A. I think there are contributing factors.

24 Q. And these factors still exist today, I
25 presume?

26 A. Oh, I think so, yes.

27 Q. So how can you blame this increase of
28 shipments by scow on the restriction alone?

29 A. I think it has got to bear a big pro-
30 portion of the blame or a big proportion of the
responsibility for the way it has increased.

Q. How can you say that, sir?

A. That is my opinion.



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4 MR. LANGLOIS: I think this was placed in the
5 record, yes. There were two strikes, one in 1958,
6 which was a loggers' strike and in 1959 it was the
7 longshoremen's strike.

8 MR. LEGG: It was the other way around.

9 MR. LANGLOIS: I understand it was the other
10 way around, I am sorry, My Lord.

11 Q. Now, on page 1 of your brief, in the
12 centre of the page, under the title of "Preamble", you
13 give the horizontal widths of the bridge as being
14 171 feet. Is it not a fact that the south side is 161
15 feet?

16 A. I gave the width of the bridge as being
17 171 feet?

18 Q. In your brief, that is the width that is
19 mentioned there, page 1.

20 A. I said it was 171 feet, yes.

21 Q. Is it not a fact that the clearance,
22 horizontal clearance is only 161 feet?

23 A. No, sir. According to the charts we
24 submitted, it was 171 feet on both sides. There was
25 a little difference, but to all intents and purposes
26 they were 171 feet.

27 Q. Does that take into account the large
28 foundations of the piers underneath the water level?

29 A. Yes, I remember that came up and there was
30 some correction on that.

Q. So the clearance under the water level at
low tide or even high tide would be less than 171 feet?

A. You are talking about the soundings or the



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Q. Is your opinion based on facts which you have ascertained yourself?

A. Well, not that I can document, no.

Q. Is it not a fact that this trend, which has been developing in the shipment of lumber from New Westminster, is for reasons of economy by the exporters of lumber?

A. I think that has something to do with it, yes.

Q. Is it not also a fact that that practice was developed for the convenience of the shippers on seaboard in view of the delays on their shipments?

A. I believe there has been a tendency for them to do so. I believe it is because of the delays and restrictions in getting ships through to Fraser Mills.

Q. Through the bridge alone?

A. Yes. It takes place with conventional ships as well as bridge-aft ships. They have to wait out there for a suitable tide. It is not unusual for them to wait 12 hours, 14 hours, before they can go through the bridge.

Q. How much of that would contribute to the increase in the pattern of shipments?

A. I couldn't guess.

THE CHAIRMAN: For the sake of the record, in order that we may be able to read the figures correctly, I think it was in 1959 there was a strike.

THE WITNESS: I am terrible on dates, sir. It could be correct.



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3 depths of water on the south side of the south pier?

4 Q. I am talking about the horizontal
5 clearance between the piers, and I am taking it at the
6 bottom of the pier or below water level. Is it not a
7 fact that if you take the measurement below water level
8 they are both 161 feet?

9 A. I thought they were both the same, 171
10 feet.

11 THE CHAIRMAN: I think we have only to look at
12 the chart accompanying the brief of the Harbour
13 Commissioners and you will see there that at the top
14 end there is a line which shows 161.5 feet.

15 THE WITNESS: Oh, I have got you now. The upper
16 end where the protection work is? That is true.

17 Q. Now, on page 2 of your brief, halfway
18 down page 2, that would be the third paragraph, you have
19 this:

20 "This freshet is of sufficient height
21 to reverse the flood tide, so that during these two
22 months or longer, ships proceeding outward through
23 the railway bridge would not have the benefit of
24 stemming the tide," and so forth.

25 Is it not a fact that this period of the
26 freshet would be four months rather than two months?

27 A. No, this I would not agree to. During the
28 13 years that I have been Port Manager here I have
29 developed what is presently a horrible looking plan,
30 but it does show all the freshets, the records of the
freshets, throughout the year. Now, I examined this
last night and I tried to get an average. I figure the



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4 freshet starts on May 1st and ends in July. I have put
5 a limit to the freshet of almost three months. Here is
6 a case of a freshet on July 14th.

7 Q. From May 1st?

8 A. From about May 1st.

9 Q. That is two months and a half?

10 A. Yes. You can get what they call a
11 rain freshet or something like this which comes along
12 in the fall. I think I said two to two and a half months.
13 I would be prepared to extend that to two and a half to
14 three months, if it would make you happy.

15 Q. Now, on page 3, sub-paragraph (b) of
16 paragraph 3, you state:

17 "that the Pilots are being overcautious
18 and display a lack of enterprise by failing to face up
19 to this problem or to substantiate their claims to the
20 contrary in any way." Would you be prepared to go so
21 far as to say that pilots are being overcautious in
22 demonstrating a sense of responsibility not only to the
23 shipping industry but to the general interests of their
24 town and their harbour?

25 A. No, I would say that, if anything, they
26 demonstrate evidence of an enhanced sense of responsi-
27 bility.

28 Q. Would you be prepared to see your pilot
29 take chances which might jeopardize the future of your
30 port?

A. No.

Q. On page 4 of your brief you give figures
to illustrate the increase in the number of bridge-aft



(Langlois)

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3 ships on charter to one of the larger British Columbia
4 operators for the years 1958 to 1962 inclusive. Does
5 it mean that all these ships would be normally calling
6 at New Westminster?

7 A. No, I wouldn't know.

8 Q. Is it not a fact that these figures,
9 being the total ships on charter, refer to the number
10 of voyages, instead of units?

11 A. No, I couldn't -- I don't know.

12 Q. Well, for example, you made the figure
13 for 1962 as being 111 total ships on charter. Do you
14 mean to say that in 1962 111 different ships were
15 chartered to serve British Columbia ports?

16 A. Well now, I don't know. I have these
17 figures from the company concerned, and I assumed, I
18 must admit I assumed, that they were individual
19 charters. Of course, mind you, this may affect your
20 thinking on this, that many charters are voyage charters,
21 so that in the course of a year you can charter a ship
22 for one voyage, another voyage, and so on.

23 Q. That is exactly what I had in mind?

24 A. So that the actual number of ships would
25 not be that number.

26 Q. So you, sir, have not yourself checked
27 these figures. You got them from one of the operators
28 on the coast?

29 A. That is right. They are factual in that
30 they would be the number of ships they had on charter.
Maybe not necessarily all at the same time.

Q. You got that from somebody else?



Clayton, cr-ex. 1810
(Langlois)

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3 A. Oh, yes.

4 Q. On page 5 of your brief you state that
5 "many competent ship masters and navigators of wide
6 experience have expressed the opinion that it is no more
7 difficult to navigate the railway bridge with bridge-aft
8 ships than with conventional ships". How many of such
9 competent ship masters and navigators have you questioned
10 on the subject?

11 A. This I cannot answer definitely or
12 effectively on this question. I have over the past few
13 years made a study of this, and talked to people about
14 it, and have generally received these impressions that
15 I have conveyed there. I couldn't tell you how many,
16 or the people either, for that matter, because in many
cases it has been in confidence.

17 Q. Have many of the masters that you have
18 interviewed on the subject had a great deal of experience
19 in going through the Railway Bridge?

20 A. Possibly not.

21 Q. Do you know Captain T. H. Korhonen of
the "Saasa Leader"?

22 A. No, I don't.

23 Q. Do you know the ship?

24 A. No.

25 Q. You were in this courtroom yesterday
26 when I read this letter, which was filed as Exhibit 178.
Do you remember the contents of that letter?

27 A. Yes, I was here.

28 Q. Do you agree with what the master of
29 the "Vaasa Leader" says in that letter?



(Langlois)

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3 A. I can't recall what he said.

4 Q. My Lord, this is one unsolicited letter
5 which was written to the pilots --

6 MR. HUNTER: I wonder if Captain Clayton might
7 read the letter?

8 Q. "A considerable amount of discussions
9 have been going on lately about the advisability of
10 taking a ship of this type and size through the swing
11 span of the Great Northern Railway Bridge at New
12 Westminster.

13 In my opinion the passage through the
14 swing span is too dangerous with a ship of this type.
15 The reasons are many but the restricted vision from the
16 bridge aft is of the greatest concern. We must also
17 remember that passage through the span must be carried
18 out under half to full power in order to have full
19 steering power on the rudder. The smallest misunder-
20 standing between the Pilot, Master, Mate and Quarter-
21 master will have disastrous results under such circum-
22 stances. Also keeping in mind that coming downriver
23 the ship will be running with the tide and if the lineup
24 for the passage is not successful at the first try, there
25 is no returning or no stopping possible.

26 In view of my experience I would refuse
27 an order to let my present ship pass the span, only in
28 case of emergency would such an order be considered and
29 even then only with the assistance of two powerful tugs.
30 I understand that such tugs are at the present moment
not available at New Westminster".

Do you agree with the contents of this



(Langlois)

letter?

A. No.

Q. Why don't you agree with this?

A. Well, will you tell me how long the ship is, how wide she is? Is she twin screw or single screw?

Q. The "Vaasa Leader" is 487 feet long, with a beam of 62 feet. She has a closed shelter deck, engine aft, bridge aft, Stork diesel, single propeller.

A. He is obviously talking of freshet time, because he says he wouldn't have the tide to come out. I don't want to discuss this freshet question. I have said in my brief that I am not considering freshet periods at all. He says he is coming out with a strong tide aft.

Q. You don't know that ship, although she has called in New Westminster on a few occasions?

A. No I don't. In latter years I am not getting around the ships the way I used to when I was Harbour Master.

THE CHAIRMAN: On page 5 I see that there is a reference to the Panama Canal. You are conversant with the Panama Canal?

THE WITNESS: Oh, yes, sir.

THE CHAIRMAN: What about the currents there, in the Panama Canal?

THE WITNESS: They are not excessive.

THE CHAIRMAN: Almost none is there?

THE WITNESS: In the lakes of course there are none, that is when you get through the last lock



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there are practically no currents whatsoever. However, approaching the various piers to enter the canal locks, particularly the first one from the seaward side, you do get very strong sets at that particular point on both sides.

THE CHAIRMAN: This is before entering the Canal?

THE WITNESS: Yes.

THE CHAIRMAN: When you are still at sea?

THE WITNESS: Yes.

Q. Is it not a fact though, that when entering the Panama Canal you go in a straight line, you do not have to alter course to line your vessel up?

A. No, it is a straight approach.

Q. It is quite a different problem than the one you have here, because you have to turn your ship, don't you, coming down?

A. Just where are we now, Mr. Langlois?

Q. Here at New Westminster, back here. Is it not a fact that taking your ship down the Fraser River you have to make an alteration of course to line your ship up with the bridge?

A. You realize, of course, that I am not an expert on this one, but there are some here, but I understand that coming down from the Fraser Mills, with an ebb tide, that it is not necessary to make a major alteration of course. As you approach the south span the drift is to the north. You line your ship up and just let her drift over and float through.

Q. That is on paper probably. Is it not



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3 a fact, Captain, that you have to make an alteration to
4 port of roughly 25 degrees?

5 A. Where?

6 Q. As you come down to line up your ship?

7 A. For the approach coming downstream?

8 Q. Yes?

9 A. That is not my understanding.

10 Q. No, it is not your experience either,
except on paper?

11 A. Well, thank you.

12 THE CHAIRMAN: This was said before. I just
13 brought up the question of the Panama Canal to show that
14 with examples sometimes it is very difficult to make
15 a comparison, unless you know all the facts.

16 Q. Now, on page 5, the second paragraph:
17 "We submit that the above mentioned facts establish the
18 contention that the Pilots' decision not to navigate --".
19 Is it not a fact that this decision was not the pilots'
20 decision, but was the decision of the Pilotage Authority?

21 A. Oh, dear. I could think of less
22 competent men to make that decision than the Pilotage
Authority, or more competent men I mean.

23 Q. On page 7, I quote the following
24 paragraph: "It is recognized that the two problems are
25 not necessarily analogous, but we contend that it does
26 emphasize the fact that navigation of these ships is
27 not as hazardous an undertaking as has been suggested,
28 and it might well be that one or two of the younger
29 pilots would agree to specialize in piloting bridge-aft
ships to the Fraser Mills were they free to express their



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3 own personal thoughts". How did you come about to make
4 such a statement? Was it after having consulted some
5 of the local pilots?

6 A. No, in part yes, but mostly this is an
7 impression that we have gathered, that some of the pilots,
8 let me say, I won't say many, some of the pilots would
9 like to be able to do this job. Take bridge-aft ships
10 up to the Fraser Mills.

11 Q. Is that an impression that you gained
12 without discussing it with the pilots?

13 A. To a degree.

14 Q. To a degree, without discussing the
15 situation with them?

16 A. Well, I mean you asked me did I gain
17 this impression through discussing this question with
18 the pilots. I said yes, to a degree.

19 Q. Would you explain what you mean on page 8
20 of your brief, when you say, and I quote: "This invests
21 the pilots, a group of some 6 or 7 men, with enormous
22 power, which without some form of appeal is, we suggest,
23 not a healthy situation". What power are you referring
24 to?

25 A. Well, the power they have to make such
26 recommendations as not to take bridge-aft ships through
27 the Railway Bridge. They have this power, it is obvious
28 if they are going to work like that without discussion
29 or an opportunity for other people to express an opinion
30 on the situation.

31 Q. Is it not a fact that the pilots on the
32 Fraser River are the only experts that you have here



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4 available?

5 A. Experts in what? In piloting?

6 Q. In navigation on the Fraser River?

7 A. I think this can be questioned.

8 Q. Am I then to construe your recommendation
9 there that you want to take away from them the power
10 of even making recommendations?

11 A. No, this is what I want. I want to have
12 the pilots negotiate problems that may come up in the
13 river, I want those negotiations to go through the
14 New Westminster Harbour Commission, who are the appointed
15 authorities for making regulations for the harbour.

16 Q. Is it not a fact, Captain Clayton, that even
17 though you claim that this is without some form of appeal,
18 that you have the appeal to the Pilotage Authority,
19 and that you have not cared to use it?

20 A. Well, Mr. Langlois, you put me in an
21 awkward position. I feel that such an appeal would be
22 ineffective.

23 Q. But you have not tried it?

24 A. All these letters go to the Pilotage
25 Commission, as well as to the Pilots.

26 Q. Would you please answer my question?
27 Have you ever appealed to the local Pilotage Authority?

28 A. Let me put it this way --

29 THE CHAIRMAN: A formal appeal. Have you
30 made one?

THE WITNESS: Well, yes we have. Many of
these letters have been sent to the Pilotage Commission.
We have two ways of doing business, the pilots and I.



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3 Normally we deal with an informal memorandum, such as
4 you will find on here, but many of our formal, all our
5 mostly formal things are sent direct to the Pilotage
6 Commission, and they in turn deal with the pilots, and
7 reply to us.

8 Q. So there is an appeal, even if you have
9 not used it, there is one?

10 A. There is an appeal, yes.

11 MR. JACQUES: Why would that appeal have been
12 ineffective?

13 THE WITNESS: Because the Pilotage Commission,
14 I think -- now here I am thinking again -- that these
15 queries are put to the pilots, and the pilots decide
16 as a group, and make a recommendation back to the
17 Pilotage Commission, who in turn pass it on to the
18 Harbour Commission.

19 MR. JACQUES: Am I right in assuming that you
20 feel that the local Commission never discusses the
21 recommendations put forth by the Pilots. They adopt
22 them whatever they may be?

23 THE WITNESS: Yes.

24 Q. At the bottom of page 8 and the top of
25 page 9, I quote the following: "As mentioned previously,
26 we suggest that machinery should be set up whereby an
27 unbiased investigation and study of matters of this
28 nature could be instituted at local level for the
29 purpose of finding a solution to any problems that may
30 arise". Will you tell the Commission what you mean by
such an investigation at local level?

A. By local what did you say?



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4 Q. You suggested an investigation and
5 study at local level. What do you mean by that?

6 A. What I actually had in mind was that
7 it would be set up in the Canada Shipping Act, the
8 dignitaries or people who might form such a Commission.
9 I thought a local judge, a local magistrate, maybe
10 somebody in industry that the pilots and everybody else
11 had confidence in, and a representative of the pilots,
12 and possibly a representative of the man making the
13 complaint, it might be the Shipping Federation.

14 Q. How could such a study remove the
15 bridge, which you claim is such a hazard to navigation?

16 A. This has nothing to do with the bridge.

17 Q. The bridge will still be there, even
18 after the study?

19 A. I anticipate further problems, and there
20 will be problems, because the world is full of them,
21 and this would be a solution, or a means of solving
22 problems that might arise between pilots, harbour
23 authorities, and shipping interests, either in Vancouver
24 or here. An amicable arrangement could be arrived at,
25 whereby we wouldn't have to tear everybody's hair out
26 in public, the way we are doing now.

27 THE CHAIRMAN: I would just like to make a
28 point here. In the by-laws, I see at paragraph 24 (f)
29 no pilot shall: "refuse, except because of danger to
30 the vessel, to conduct a vessel to which he has been
assigned --", etc. So here, from what we see, the
decision is left to the pilot, but I would like to know
to what extent it goes. What I have in mind, if I am



Clayton, cr-ex. 1819
(Langlois)

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4 not right you may tell me, is that this paragraph here
5 would apply to only temporary restriction due to
6 special and temporary circumstances, but where it has
7 to be standing restrictions that will have to go for all
8 the year around, or a certain period, for months, for
9 instance, not passing the bridge, that these would not
10 come under paragraph 24 (f), because 24 (f), from what
11 I can see, is the pilot is the only one who can decide.
12 He is not going to apply to the Pilotage Authority as
13 to whether he is going to proceed or not in one foggy
14 condition that one night.

15 MR. JACQUES: My Lord, it may be useful for
16 the Commission to know apparently the article of the
17 Canada Shipping Act on which this particular by-law
18 seems to have been founded, I refer Your Lordship to
19 Section 329 of the Canada Shipping Act, sub-paragraph
20 (f), sub-section(vi), which enables a local authority
21 to make regulations, and among other subjects I
22 quote: "refuses, --".

23 The pilots "when requested by the Master
24 to conduct the ship on board of which he is into any
25 port or place into which he is licensed to conduct the
26 same, except on reasonable ground of danger to the
27 ship," and the present by-law, which Your Lordship has
28 quoted, seems to stem from this section of the Canada
29 Shipping Act.

30 THE CHAIRMAN: Yes, but I am wondering to
what extent one pilot can say no ship will go through
that bridge, and whether he says "I am not going to do
that tonight because it is too foggy"?



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4 MR. JACQUES: I think Your Lordship is right,
5 and it is my own view that this particular section of
6 the Canada Shipping Act is not an enabling statute
7 granting the right to a local Commission to make the
8 sort of by-law which has been made here in New
9 Westminster. It is simply a provision in the law which
10 prevents a pilot being fined or suspended on that excuse
11 alone. It gives no authority to the local Commission
12 to make restricting regulations on the navigation of
13 ships.

14 MR. LANGLOIS: My Lord, whilst we are on this
15 point I would like to bring to Your Lordship's attention
16 Section 22 of the by-laws of the New Westminster
17 Pilotage District, which reads as follows: "A pilot
18 shall exercise the utmost care and diligence in the
19 safe conduct of the vessel to which he is assigned and
20 shall at all times observe the practices of good
21 seamanship". And further on there is another section
22 which says if he fails to provide for, to care for the
23 safe conduct of his ship he is liable to suspension.

24 THE CHAIRMAN: Yes, but what I don't like is,
25 is it in only his judgment to decide that point?

26 MR. LANGLOIS: My Lord, this is a question of
27 an appreciation of circumstances, and he is the expert.

28 THE CHAIRMAN: Well, I don't know. Let us
29 say that he decides that the port of Vancouver is not
30 any more safe to enter, so no ship is going to enter
there. To test the principle you have to take the
extreme, so I am taking that to the extreme. So what is
going to happen there?



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4 MR. LANGLOIS: In such a case I suggest that
5 the Department of Transport, or the Pilotage Authority,
6 could institute an investigation into the circumstances,
7 and if they found that the pilot was not justified in
8 refusing to take the ship there he will be penalized
9 for having taken undue advantage of the Section.

10 THE CHAIRMAN: I brought the point up just so
11 that it is clear in the record.

12 Q. Captain Clayton, in the addendum, which
13 is the second addendum to your brief, which is a
14 memorandum to Pilots from John Clayton, Port Manager,
15 on the first page of this memorandum, the last paragraph,
16 you state: "That one or more pilots should be selected
17 who would specialize in this service". How long would
18 you think that it would take for a pilot to specialize
19 in this service?

20 A. I would think that if we are referring
21 to our present pilots it would take a very limited time.

22 Q. How long?

23 A. I don't think they need any length of
24 time, other than that they are -- what my contention is
25 is that they would be set apart to do that one job.

26 Q. How many transits would they have to
27 make, in your opinion, so as to become specialists?

28 A. You have been misinterpreting my word
29 specialize. They are specialists now in it.

30 Q. Specialized for the transit of the
bridge. I am limiting it.

A. No, but I mean that they should con-
centrate on that particular job, in order that they become



Clayton, cr-ex. 1822
(Langlois)

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4 familiar with it.

5 Q. Yes, I think you heard Captain Gilley
6 state that he had made some 800 transits of the bridge
7 as a pilot. Would you consider that to be sufficient
8 experience to be familiar with that bridge?

9 A. I would be very happy if Captain Gilley
10 were appointed --

11 Q. So you think Captain Gilley is a
12 specialist in the transit of that bridge?

13 A. I think he is an excellent pilot.

14 Q. Would you answer my question?

15 A. Yes, I think he is.

16 Q. So you consider that he is a specialist,
17 and still you don't want to take his advice?

18 MR. HUNTER: Are you talking about conventional
19 or bridge-aft ships?

20 MR. LANGLOIS: Any type.

21 MR. HUNTER: I think they are considering
22 two different points here.

23 MR. LANGLOIS: I am asking my own questions.

24 Q. So you think Captain Gilley is a
25 specialist, and yet you are not prepared to take his
26 advice when he tells you it is dangerous to take large
27 bridge-aft ships through these bridges. Is that correct?

28 A. Yes, that is true. Under the present
29 circumstances Captain Gilley is not making a free
30 choice I maintain.

Q. How can you say that now?

THE CHAIRMAN: Well, that is all right. I
think I can gather from that that you are not talking



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4 about the same thing. I think the Captain is saying
5 there that Captain Gilley is a very able pilot, and a
6 specialist to handle a ship through that bridge, but
7 whether he is an expert to give an opinion as to whether
8 it should not be done by others may be a difference.
9 I think that is the difference in the contention of
the witness.

10 MR. LANGLOIS: I am not going to ask for this
11 last comment to be taken from the record, because he
12 spoke highly of what the witness has in mind, and places
some value on his testimony.

13 Q. On page 2 of the same memorandum, Captain
14 Clayton, you give another suggestion there, to increase
15 the safety margin tugs might be used on lines ahead to
16 give greater manoeuvrability and control. Am I to take
17 it that you feel that you should have a safety margin?

18 A. I think you should have every possible
19 safety margin possible, yes, sure.

20 Q. And you refer to tugs, using the tugs.
21 How many tugs would you suggest?

22 A. With this manoeuvre, only one on a line
ahead.

23 Q. Only one?

24 A. Only one.

25 Q. What power?

26 A. The maximum power that was available.
27 Personally I would like to see about 1000 horsepower,
28 but we don't have it available at New Westminster at
this time.

29 Q. They are not available here?
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4 A. Not at this time I don't think. Five
5 hundred, I understand, is the highest we have.

6 Q. You said this morning that your Harbour
7 Commission would be prepared to subsidize such tug
8 service?

9 A. I said they would be prepared to consider
10 a subsidy.

11 Q. Are you speaking for yourself, or on
12 behalf of the Board?

13 A. No, the Board has considered this. They
14 would be happy to consider any proposition, including
15 the subsidy of a tug. And what was the other point
16 we had?

17 THE CHAIRMAN: Lighting the bridge?

18 THE WITNESS: Yes.

19 Q. What about the cost of providing such
20 a tug?

21 A. I don't know.

22 Q. You have not made any calculation of
23 that?

24 A. No sir.

25 Q. And still you would be prepared to
26 subsidize that cost?

27 A. I said we would be prepared to consider
28 it. We would go into the cost, the benefit to be
29 derived from the tug, and if it was considered that the
30 cost was warranted by the benefit gained, then I think
my Commissioners would probably go for it.

Q. Now, coming back to -- oh yes, that is
another question of this business of using tugs. Did I



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4 understand you correctly this morning when I take it
5 that you would not be prepared to have these large,
6 everything aft ships towed through the bridges as dead
7 ships?

8 What would be your reason for being
9 against this?

10 A. There are several reasons. One is that
11 I do not think it is a practical thing bringing in
12 ships, towing them through dead. I don't think it is
13 practical or economic. If it couldn't be otherwise,
14 I think it would have to be dropped.

15 Q. Would you say it would be hazardous to
16 do this?

17 A. Oh, yes. I don't like the idea at all,
18 to tell you the honest to God's truth, towing ships
19 dead up to the Fraser Mills. I have said so in the
20 brief; I don't think it is good.

21 Q. When you suggest assistance of tugs,
22 you suggest that the ship should be assisted, using
23 her own motor power with a tug forward only?

24 A. Yes.

25 Q. Do you think that with the current
26 experienced there -- I understood you to say this
27 morning that this current varies frequently from time
28 to time -- do you think that a tug would be able to
29 bring the bow back of a ship which is caught in the
30 current and has taken a sheer, say, to port? Do you
think a tug would be powerful enough to correct that?

A. If she is a powerful enough tug.

Q. Have you ever been a tugboat master?



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3 A. No. I was deckhand.

4 Q. As deckhand or officer?

5 A. No, deckhand.

6 Q. Now, you mentioned this morning that
7 range lights could be of some use. Would you tell the
8 Commission where exactly you would place these range
9 lights?

10 A. This is another one of these suggestions
11 put forward for consideration and discussion of its
12 value. I haven't gone into the type of lights. I have
13 not had a survey made. We have not had an enquiry
14 into the type of lights to be used, but we do feel it
15 has some merit. The pilots saw fit not to discuss it
16 with us.

17 Q. You say that you are making suggestions?

18 A. Yes.

19 Q. And I take it, from what you say, you
20 have not gone into that to a great extent?

21 A. No. These suggestions about lights,
22 they have not been engineered, they have not been
23 studied in detail.

24 Q. You mentioned this morning, if I under-
25 stood you correctly, that you would wait for a two-knot
26 ebb tide before taking a large bridge-aft ship through;
27 is that correct?

28 A. No.

29 Q. What did you mean when you mentioned this
30 two-knot ebb tide?

31 A. I wanted to draw attention to the fact
32 that in most of the testimony we have discussed a



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3 current of 3, 4, 5 and 6 knots. I wanted to emphasize
4 the fact that we do get currents at slack water at 2
5 knots, and so on. I said let's take it at 2 knots.
6 That is just a figure out of the air, to demonstrate
7 what I was trying to say.

8 Q. Is it not a fact that in order to get
9 a 2-knot ebb on occasions you would have to wait for
10 many hours, sometimes up to 24 hours?

11 A. I don't know. If you arrive at the right
12 time you would have a 2-knot ebb. I am no authority
13 on tides.

14 Q. You were in this courtroom yesterday
15 when Captain Gilley described the conditions obtaining
16 in the river near the bridges. Would you agree with
17 what Captain Gilley said as to the conditions of the
18 current there?

19 A. I don't recall what he said.

20 Q. Would you agree with him when he said
21 that the current was setting to the north?

22 A. Oh, yes, I think that is generally
23 accepted.

24 Q. Do you agree with him when he said that
25 currents would go up to 6 or 7 knots at times?

26 A. Yes, freshet times. I am not sure about
27 7, but I will accept it anyway. 6 to 7 knots is a
28 fair estimate of the maximum speed.

29 Q. Do you agree with him when he related
30 the circumstances of the experience he had with your
ship, which was a Park ship, I understand?
There was a near miss whilst going through the bridges?



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A. You want me to agree?

Q. Yes, I am asking you if you agree with what he said?

A. Yes. Captain Gilley gave a very fair description of the event.

Q. This morning you made the statement, and correct me if I am wrong, to the effect that you would stop the engines of a vessel and she would go through between the draw of the bridge on her own?

A. No, you have me wrong, Mr. Langlois.

Q. What did you mean exactly?

A. I was trying to emphasize, I think, the fact of having the tide with you as opposed to having it against you.

Q. You can hold your position?

A. You can stop and start again.

Q. You don't advise stopping the engines and letting the ship go through herself?

A. You mean when we were discussing the tides?

Q. Yes?

A. Oh, no, no. That is not a sensible suggestion at all. She might go through at that.

Q. She might knock the bridge down?

A. She might, yes.

Q. If the pilots agreed to take the ships through with all the precautions you have suggested, with a specialist, all that you have suggested, as a Port Manager, would you withdraw your recommendation or request to remove the centre spar of the bridge?



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A. Oh, good Lord no.

Q. Why?

A. Because it is essential to the port.

Q. Do you not still think it is a danger
to navigation?

A. Yes, to a degree. But like everything
else, it has been approved under the Navigable Waters
Protection Act and we are faced with it, and we are
faced with it as far as navigation on the Fraser River
is concerned.

Q. Now, Captain, this morning you used two
profiles, profiles of two ships?

A. Yes.

Q. You used first, if I remember correctly,
a profile of the "Brevik"; is that right?

A. No, it is the other way around.

Q. You have the "Brevik" here, but the
profile is of the "Fenix", and you used the wheelhouse
of the "Fenix"; is that right?

A. That is right.

Q. Would you mind taking the wheelhouse of
the "Fenix" and putting it as if she was a ship with
everything aft? Would you mind drawing the line of
vision with a red pencil?

A. Yes. (Witness complies)

Q. Now, that is in red. Would you now use
the profile of the "Brevik" and by bending the profile,
without damaging it of course, and bringing it to
this line here, would you draw the line of vision in
red?



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4 A. Yes. (Witness complies)

5 MR. LANGLOIS: My Lord, if your lordship is
6 interested in seeing that, the red line, that is the
7 line using this time the same wheelhouse but amidships,
8 would be the line of vision.

9 Q. Is it not a fact, Captain Clayton, that
10 on this ship "Fenix", if you put the same wheelhouse
11 amidships, you have a better line of vision?

12 A. I would have to ask you to repeat that
13 again. I don't know the meaning of these lines. All
14 I did was draw the lines. You didn't indicate to me
15 what you were doing.

16 Q. The experiment will speak for itself.
17 Is it not a fact also that your line of vision will
18 depend on the bow of your vessel?

19 A. Oh, yes, particularly down over the bow.

20 Q. And the height of your fo'c's'le head?

21 A. And the height of your fo'c's'le head.

22 Q. Is it not a fact also that on bridge-aft
23 ships you have a forest of masts and derricks in front
24 of you?

25 A. Yes.

26 Q. Is it not a fact that if the wheelhouse
27 is amidships you will have less masts and derricks in
28 front of you?

29 A. Oh, yes.

30 Q. Is it not a fact that these masts and
derricks also obstruct your vision?

A. Yes.

Q. Consequently, is it not a fact that you



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4 will get a better vision on a ship with bridge amidships
5 as compared to a ship with the bridge aft?

6 A. I would agree with that unquestionably.

7 Q. This morning -- and I don't want to put
8 words into your mouth; if I misinterpreted your
9 testimony, say so -- you seemed to take very lightly
10 the caution on the Fraser River concerning the placing
11 of reliance on buoys and you said that a similar
12 caution appeared on all the charts?

13 A. Not all the charts. On most river
14 charts the caution in regard to buoys will be there.

15 Q. Is it not a fact that on the chart
16 of Vancouver harbour there is no such caution?

17 A. That is right. There is no river there.

18 Q. Is it not a fact that the caution on
19 the charts of the Fraser River go farther than the
20 ordinary wording of the caution that you will find
21 normally on charts?

22 A. I thought they were allied or the same.

23 Q. Have you ever read the caution on
24 chart 3430?

25 A. Yes, I have.

26 Q. Do you recall what it says?

27 A. I could not repeat it word for word.

28 Q. It reads as follows: "Depth shown on
29 this chart are subject to change as a result of
30 silting, scouring and dredging. Aids to navigation
are altered to suit conditions." Do you mean to say
that you have that on all charts?

A. Don't say all charts. I said river



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3 charts.

4 Q. Don't you agree that this caution goes
5 further than the wording normally found on river charts?

6 A. I wouldn't hazard a guess. I forget,
7 to tell you the truth, what the wording is. To me it
8 is a minor point anyway. It is there; we know the
9 buoys drift.

10 THE CHAIRMAN: I think we understand it, Mr.
11 Langlois.

12 MR. LANGLOIS: The only thing is that I would
13 like to draw your attention to the British Columbia
14 Pilot where it says, and I will quote just a part of
15 it:

16 "Owing to the constant changes in the
17 channels of the Fraser River and their lighting and
18 buoyage, its navigation by a stranger without a pilot
19 is not advisable, and only the outer lights, and light-
20 buoys are described in this work."

21 THE CHAIRMAN: That is exactly what we have
22 gathered so far from the evidence.

23 MR. LANGLOIS: Thank you, Captain Clayton.

24 CROSS-EXAMINATION BY MR. LEGG:

25 Q. Captain Clayton, you have been Port
26 Manager or employed by the Harbour Commissioners at
27 New Westminster for approximately 12 years, have you?

28 A. Thirteen years.

29 Q. In your experience in this capacity, can
30 you tell us what attempts have been made to rectify
this bridge to get it changed to a lift span bridge?

A. We presented a brief which we discussed



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4 in 1961, and we have been agitating -- I think that
5 is a good word to use in this case -- we have been
6 agitating my Commissioners and myself, to get the
7 local boards of trade (we have nine municipalities
8 fronting on this river) -- we have been agitating with
9 them to get political activity to have this done. We
10 are using everything we know how to have this
11 implemented.

12 Q. I wonder if you are able to express
13 any views on the control of the bridge. I understand
14 at the moment that it is maintained the Department of
15 Public Works?

16 A. Yes.

17 Q. That the Department of Public Works
18 employs a supervisor who, in turn, is controlled by
19 your by-laws?

20 A. To a degree, yes. We have a cooperative
21 arrangement.

22 Q. But the financing of the bridge lies
23 in another area?

24 A. Yes. You must not assume that we have
25 any control over that bridge in any shape or form,
26 other than in this by-law which says if there are
27 problems we can negotiate with the bridge superintendent
28 to try and get them implemented.

29 Q. Coming to another subject, Captain
30 Clayton, and dealing with the policy of the government --
I am talking about the Department of Public Works now --
as to private berthing and dredging of approaches, as
Port Manager have you any experience in that direction?



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4 A. Oh, yes, I have had experience with it.
5 It is one of our major problems.

6 Q. Would you tell us about that?

7 A. In many cases when dredging is required
8 by local industry, application is made to the New
9 Westminster Harbour Board, who in turn make application
10 to the federal government. It is policy you would
11 like to know?

12 Q. I would like to know what your experience
13 has been, what the policy has, in fact, been?

14 A. That is the way application is made, and
15 if we recommend it, it goes to Ottawa, where it is
16 normally forgotten. That is unfair. I withdraw it.

17 Q. What is the policy so far as the
18 responsibility of the private owner of a berth and
19 the dredging of the approaches to that berth and the
20 strip 90 feet off his berth?

21 A. The normal arrangement is that the
22 dock owner or wharf owner is responsible for dredging
23 a strip 90 feet out from his wharf. Now, in areas
24 where there is approach dredging as opposed to main
25 channel dredging, the industry that is being served
26 pays a proportion of the cost. Now, I think this
27 proportion was 25%. I think it has now been raised to
28 50%. The owner of the industry has to pay 100% of
29 berth dredging, 50% of the approach dredging.

30 Q. Have you any view as to that?

A. Well, I feel that industry should not
be saddled with having to pay for their own approach
dredging. This has not been discussed with my Commis-



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3 sioners. They may take me to task; I don't know.
4 We have a port here which we are trying to develop,
5 and industry pays for the **strip** 90 feet wide in front
6 of his wharf. A wharf is normally 60 feet. Where
7 they get 90 feet, I don't know. And he also has to
8 pay 50% of his approach dredging. It is a tremendous
9 load. This is an annual problem for him, and it **builds**
10 up year after year. I think it would be a fair
11 distribution if approach dredging were included in
the main channel dredging.

12 Q. How long has this present policy
13 been in effect?

14 A. I think possibly for about four years,
15 and it has been gradually put into effect. We have
16 the Commissioner's elevator down here, and we have
17 a large amount of approach dredging to do, and it has
18 been a question of negotiation with us between the
19 New Westminster Harbour Board and the Government to
20 get it done, and the Pacific Coast terminals. It
started off at 25% and then it was increased to 50%.

21 MR. LEGG: Thank you.

22 MR. BIRD: No questions, My Lord.

23 MR. HUNTER: I would like to clear up one or
24 two points, if I may, My Lord.

25 Commission Counsel has asked me to file
26 this plan showing the length of the freshet.

27 MR. JACQUES: We will make a photo copy of
28 it and return the original to you.

29 RE-EXAMINATION BY MR. HUNTER:

30 Q. Just to make this quite clear, this is



(Hunter)

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3 a plan or a chart that you yourself have kept?

4 A. Yes.

5 Q. Where were the readings taken?

6 A. At Mission each day during the freshet,
7 starting May 1st. Our staff are trained to phone to
8 the Water Resources Board and get the height of the
9 water at Mission. We get this at nine o'clock every
10 morning and it goes from May 1st to July 31st.

11 Q. Generally speaking, it is down around
12 ten feet by when?

13 A. By July 31st. As you can see here,
14 there are one or two years where it was up higher. Here
15 is July 11, 12, where it was down to nine feet.

16 MR. JACQUES: When you say it is down ten feet,
17 that is at Mission gauge?

18 MR. HUNTER: It is all at the Mission gauge.

19 I would like to file that as an Exhibit.

20 THE SECRETARY: Exhibit 185.

21 ---EXHIBIT NO. 185: Plan showing length of freshet.

22 MR. LANGLOIS: My Lord, I have no objection,
23 but I would ask my friend to try and find out from
24 the Canadian Hydrographic Service. They are experts
25 in the matter.

26 THE CHAIRMAN: It is a matter for us to know
27 the exact figures. I think it would be very easy to
28 verify it.

29 MR. BIRD: I think actually there is a
30 professor at the University of British Columbia who
has made a thorough study of it.



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3 THE WITNESS: Professor Pretius.

4 Q. Now, 1957, May of 1957, was the year
5 in which these regulations were put into effect?

6 A. Yes.

7 Q. And on page 4 of your brief, the first
8 chart, it is in 1957, is it not, that the volume of
9 lumber shipped by scow rose appreciably? Is that
10 not right?

11 A. Yes, that is right. It went from two to
12 seven in that year, million.

13 Q. So that one conclusion you might draw
14 is that it was as a result of the restriction on the
15 larger type bridge-aft ships going through that caused
16 the increase in --

17 A. That is true.

18 Q. Captain Clayton, my learned friend, Mr.
19 Langlois, was dealing with bridge-aft ships, and he
20 read this letter from the master of the "Vaasa Leader",
21 and he said that the smallest misunderstanding between
22 the pilot, mate and quartermaster would lead to disastrous
23 results under such circumstances. This is applicable
24 to a conventional type ship too, is it not?

25 A. Oh, quite, yes.

26 Q. And coming downriver on the flood tide
27 you explained that you do not recommend that during the
28 freshet season?

29 A. No, I am keeping an open mind on it.
30 I found that I should not get involved.

Q. Now, dealing with the powers of the
Pilotage Authority to pass regulations, I have a letter
here, a copy of a letter, and I am arranging to get the



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4 original copy later on this afternoon. It is a letter
5 from Mr. Warren, the Secretary of the Pilotage
6 Authority, to Captain Clayton, dated April 17, 1962:

7 "This is a reply to your letter of
8 March 22, 1962, with which you enclosed a copy of a
9 letter from Mr. H. M. Mather, Assistant Manager,
10 Seaboard Shipping Company, concerning the navigation
11 of ships with bridge aft through the Railway Bridge
12 to Fraser Mills.

13 The Commissioners instruct me to point
14 out that this problem has been given much thought and
15 has been carefully examined many times in the past
16 few years. It was thoroughly discussed at the meeting
17 of January 16, 1962, between the Harbour Commissioners,
18 the Pilotage Commissioners and the Pilots and has now
19 been again discussed with the Pilots.

20 The Pilots state there is no change in
21 the situation. They cannot justify taking a multi-
22 million dollar vessel through the bridge knowing that
23 there is a grave risk of an accident, not only to the
24 vessel, but also to the personnel concerned.

25 Further, the Railway Bridge could be
26 seriously damaged, if not wrecked, which, as you know,
27 would very seriously affect the economy of the Port of
28 New Westminster.

29 The Commissioners have instructed me to
30 state, that they have complete confidence in the judg-
ment and ability of the Pilots, who are responsible
for the safe navigation of all ships in the Fraser
River, and see no need for an enquiry by the Department



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3 of Transport".

4 I would like to enter that as an
5 Exhibit.

6 Mr. Smith asked you certain questions
7 about, I believe it was Mr. Smith, about the powers
8 of the Pilotage Authority, and whether they were bound
9 by the pilots, and the third paragraph of this letter
10 states that the pilots state there is no change.
11 That would appear that the pilots are advising the
12 Commissioners, are they not?

13 MR. LANGLOIS: My Lord, the letter will speak
14 for itself, and I don't think it is fair to ask the
15 witness to enter the letter. What is the date of this
16 letter?

17 MR. HUNTER: April 17, 1962.

18 ---EXHIBIT NO. 186: Letter dated April 17, 1962 from
19 J. Warren, Secretary, New West-
20 minster District Pilotage
21 Authority, to Captain J. E.
22 Clayton, Port Manager, New West-
23 minster Harbour Commissioners.

24 Q. You have been examined on this before
25 by Mr. Smith, on this question of whether the pilots
26 were advising the Commissioners, the Pilotage Authority?

27 A. Yes.

28 Q. What would that letter indicate?

29 A. Do you mean the letter you have just
30 read?

Q. Yes?

A. It indicates, of course --

MR. LANGLOIS: Again the letter speaks for
itself, My Lord.



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MR. HUNTER: I think my witness, the Port Manager, is capable of answering the question.

Q. All right, would you answer the question, please?

A. It would indicate that the Pilotage Commission are taking the advice of the pilots, as the letter so ably states.

THE CHAIRMAN: As Mr. Warren said so in his testimony, I think he was asking advice from the pilots.

MR. LANGLOIS: And quite properly too.

THE CHAIRMAN: And I questioned also the procedure of this, you know, disposing of questions without asking the other party to be there. You will recall that. They were taking a decision without letting everybody have his day in court.

Q. Now, you were asked by Mr. Langlois whether you had ever appealed any rulings of the Pilotage Authority?

A. Correct.

Q. I would like to read you Section 9 of the by-laws of the New Westminster Pilotage District --

MR. LANGLOIS: My Lord, I asked him if he had appealed to the Pilotage Authority, not to --

MR. HUNTER: All right, I stand corrected.

Q. Have you appealed to the Pilotage Authority from a decision of the Pilotage Authority, or the Pilots' Committee? Have you formally appealed?

A. We have not formally appealed to the Pilotage Authority.



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4 Q. I would like to read you by-law #9
5 of the New Westminster Pilotage District by-laws:
6 "All questions and disputes arising between pilots,
7 masters of ships and others respecting pilotage matters
8 shall be referred to the Authority in writing for
9 adjustment and decision; and the decision of the
10 Authority shall be final". Have you ever made a
11 formal appeal to the Pilotage Authority?

12 A. No, I haven't.

13 Q. If you appealed, they would be dealing
14 with their own decision, would they not?

15 A. Yes, I would say so, yes.

16 Q. Now, I don't know the number of this
17 Exhibit. It was filed in Vancouver. It is an agree-
18 ment between the members of the B. C. Towboat Owners'
19 Association and the Canadian Merchant Service Guild.

20 MR. JACQUES: It is Exhibit 88.

21 Q. In the back of it they give a list of
22 towboat classifications, and there are a considerable
23 number of towboats of class 1, 1400 to 2100 horsepower,
24 and another of 900 to 1400 horsepower. Would you
25 mind taking a look, and advising me whether any, or many,
26 of those boats work in this general area, and would be
27 available to the port of New Westminster?

28 A. "Mary Mackin", "Ocean Crown", "Ocean
29 Master". These other two are normally Vancouver tugs.
30 They could be available I suppose. That is the
"Superior Straits" and the "Commodore Straits". The
"Island Monarch", they work out of Victoria. They
could be in the area too. That is in class 1, 1400 to



2100.

In class 2, the "Florence Filberg" is located here in the river. The "Johnstone Straits", that is located in Vancouver. the "J. S. Foley" should be a New Westminster tug. We don't see her in here very often though. The "Lloyd B. Gore" I see in here quite frequently.

Q. So would you say that there are quite a number of those that work in this general area, Vancouver and New Westminster?

A. Yes, that is reasonable.

Q. And would be available?

A. And would be available.

Q. There was one short discussion about range lights with my learned friend, some questions he asked you, and you stated you are not sure where the range lights should be situated?

A. That is right.

Q. And you said you could never get into a discussion. If the pilots would agree to discuss the question of whether range lights could assist in getting bridge-aft ships through the river, would you then be prepared to sit down and work out how it would be feasible to do so?

A. I would be very happy to do so.

Q. Have they ever suggested that you do sit down with them?

A. No, they haven't.

MR. LANGLOIS: Have you ever asked the pilots to sit down with you to discuss these range lights?



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4 THE WITNESS: Oh, yes, we have had discussions
5 with the pilots, frequently.

6 MR. LANGLOIS: To discuss range lights?

7 THE WITNESS: No.

8 Q. To discuss the whole pilotage?

9 A. We have never discussed the general
10 pilotage through the Fraser River bridge. It has
11 never got that far. We have had a blanket denial --
12 not a blanket denial. We have had a rejection of
13 our request that bridge-aft ships should go through.
14 We have never sat down and discussed, or negotiated
15 it in any way, shape, or form.

16 Q. But you have written a memorandum --

17 A. Yes, we have held one meeting with the
18 whole group, and written one memorandum.

19 Q. If I could see this visibility chart,
20 Exhibit No. 183? This is the profile chart of the
21 M/S. "Fenix". My learned friend asked you to draw a
22 red line. He placed the chart and he asked you to
23 draw a line from the pilot bridge through to the front
24 of the ship?

25 A. He did.

26 Q. And where does it pass on this bridge?

27 A. On the bridge deck.

28 Q. So that there is very little difference
29 between the visibility, in other words it would be the
30 same from amidships as from aft on this boat?

A. The question being if this was moved
back here the visibility would be the same?

Q. Yes, isn't that what he did? Didn't he



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4 move that back here?

5 A. I don't know what he did. All he asked
6 me to do was draw lines.

7 Q. Then he placed the profile back there,
8 didn't he?

9 A. He did.

10 Q. And it goes through the bridge amid-
11 ships?

12 A. Yes.

13 MR. LANGLOIS: If the bridge were moved further
14 aft, would the aftermast stay there?

15 THE WITNESS: No.

16 MR. HUNTER: But you placed the chart over
17 that.

18 MR. JACQUES: Who placed the chart over this?

19 MR. HUNTER: My learned friend.

20 MR. LANGLOIS: I will do it again if you
21 object.

22 MR. HUNTER: I don't object. I just want to
23 show that it goes through the --

24 MR. LANGLOIS: I do not want to be giving
25 testimony you know.

26 MR. BIRD: Oh, no.

27 Q. You moved it aft here to there, and
28 asked him to draw the line.

29 THE WITNESS: I didn't understand what this
30 was all about to tell you the truth. We are now flush
with the keel, so apparently we drew the line a little
high. Whoever was holding the model didn't have it
very accurate.



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4 MR. LANGLOIS: Didn't you have your hand on
5 it yourself?

6 THE WITNESS: I was doing the drawing.

7 MR. LANGLOIS: Would you trace another one
8 now?

9 MR. JACQUES: The witness should be left to
10 do that alone.

11 THE WITNESS: There she is now. You want it
12 flush now, do you?

13 MR. LANGLOIS: I want that wheelhouse to be
14 moved aft. That is why I asked you --

15 THE WITNESS: There it is. From where I am
16 sitting it is exactly flush with the keel.

17 MR. LANGLOIS: Would you draw the line now?

18 THE WITNESS: I will if you so wish. I will
19 just make a mark, then we will run it along.

20 MR. HUNTER: Draw your line again.

21 THE WITNESS: Someone has the parallel rulers,
22 and the red chalk. Maybe we had better have a different
23 coloured chalk.

24 MR. JACQUES: Yes, and use a broken line.

25 Q. The pencil line is now the line we are
26 referring to, the lead pencil. Where does that lead
27 pencil line go through in the conventional bridge?

28 A. Well, for the sake of discussion it
29 goes through the deck of the flying bridge.

30 Q. So that the visibility is almost the
same from one bridge as from the other, is it?

A. Yes.

Q. This is the motor ship "Brevik". When



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3 the bridge was moved forward by holding this paper to
4 amidships, it brought the line of visibility up some-
5 what, did it not?

6 A. Oh, yes.

7 Q. Now, is it not a fact that with bridge-
8 aft ships they are built up in the rear to begin with?
9 Have you not got the wheelhouse?

10 A. All these ships that we are dealing with
11 on these plans have a higher bridge than the conventional
12 bridge. That is what makes the situation the way it
13 is. If you bring the bridge up there you are going to
14 raise it considerably.

15 Q. You would not have a bridge this
16 high amidships?

17 A. Well, this ship we are dealing with
18 didn't have.

19 Q. No, I mean a normal, conventional ship.
20 Would it have it built up as high as this?

21 A. Oh, Lord, no.

22 MR. JACQUES: No questions My Lord.

23 RE-CROSS-EXAMINATION BY MR. LANGLOIS:

24 Q. Captain Clayton, have you ever sailed
25 in a bridge-aft ship, either as Master or Officer?

26 A. No sir, I never sailed in a bridge-aft
27 ship.

28 Q. No experience whatsoever with a bridge-
29 aft ship?

30 A. No, except standing on the bridge when
some of them have been in New Westminster.



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4 MR. LANGLOIS: I don't know if this letter
5 has been filed, but I have here a letter dated May 15,
6 1961, addressed by John E. Clayton, Port Manager, to
7 the Secretary, the New Westminster District Pilotage
8 Authority.

9 COMMISSIONER RENWICK: It is Exhibit No. 180.

10 Q. In this letter, in the fourth paragraph,
11 you state the following: "The right and practice of
12 a pilot to make recommendations to the master of a
13 ship who has accepted his services is well recognized"?

14 A. Unquestionably.

15 Q. You are still of that opinion?

16 A. Oh, unquestionably.

17 THE CHAIRMAN: Are there any further
18 questions to the Witness.

19 We will adjourn for five or ten
20 minutes.

21 ---A short recess.

22 MR. HUNTER: My Lord, I wish to call Captain
23 Kavanagh.

24 JOSEPH WILLIAM KAVANAGH, Sworn

25 THE SECRETARY: What is your address, please?

26 THE WITNESS: 341 Rosamond Avenue, Richmond.

27 THE SECRETARY: And your occupation?

28 THE WITNESS: Harbour Master at New Westminster.

29 THE SECRETARY: And your age?

30 THE WITNESS: 38.



DIRECT EXAMINATION BY MR. HUNTER:

Q. What is your present occupation?

A. Harbour Master for the Port of New Westminster.

Q. How long have you been such?

A. Approximately 8 months, My Lord.

Q. Have you had any marine experience?

A. Yes, My Lord.

Q. Would you just briefly tell the Commissioners what your experience has been?

A. Well, My Lord, I have had 14 years general sea experience, from Midshipman to Master, in ships ranging from 5,000 to 26,000 tons. I was 7 years principal surveyor to Lloyds for British Columbia before I took this present job.

Q. You have served as First and Second Officer on large passenger ships, have you?

A. Yes.

Q. As well as?

A. As well as general cargo ships.

Q. With that experience on larger ships, have you served all around the world?

A. Yes sir, I have.

Q. Do many ports use line ahead with tugs to guide, or assist the boats in navigation in restricted areas?

A. Yes My Lord, in some 50 to 60 ports of the world that I can recall immediately, we have used tugs in all of them.

Q. Do they use them in London, from Gravesend



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3 to London?

4 A. They do sir, yes.

5 Q. What is the procedure there?

6 A. Pretty well as outlined by Captain
7 Clayton. When you arrive at Gravesend and you change
8 from the sea pilot to the river pilot, you then engage
9 two tugs, one of which you make fast, and the other
10 stands by. The one made fast runs in line ahead, and
11 is used for steering round sharp bends, or coming to
12 the aid of the ship should she become in trouble due
13 to the loss of engines, or steering power.

14 Q. And are tugs used in a similar manner
15 in the other ports you have referred to?

16 A. They are used in a similar manner, My
17 Lord, but sometimes for a variety of different purposes.

18 Q. Do they ever use more than one tug
19 ahead?

20 A. In my experience the largest I have
21 ever used was eight.

22 Q. How many ahead?

23 A. Two made fast in line ahead.

24 Q. Do these tugs have any safety measures?

25 A. Well, this is a thing that has been of
26 interest to me, My Lord, since I came over here. All
27 our tugs in use in British waters do not make fast the
28 tow line to a tow bitt or some other fixture, such as
29 we do here. They place it on a locking hook, and they
30 have a member of the crew stand by this hook so that
if a situation arose, such as was described by Captain
Ingalls yesterday, when a tug may possibly be in
irons, and in danger of turning over, the crew member



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4 immediately knocks out the pin, and the tug is
5 immediately free of the vessel.

6 Q. And this has worked satisfactorily?
7 It is a recognized procedure?

8 A. It is a recognized procedure. There
9 have been accidents, but very few.

10 Q. Does the patrol boat come under your
11 jurisdiction, the patrol boat in the harbour?

12 A. It does sir.

13 Q. Can you tell me what procedure it
14 follows. Or I will put it this way. Have you ever
15 commanded the patrol boat, or taken it out yourself?

16 A. I have, yes.

17 Q. What procedure is followed?

18 A. On one occasion when I did take the
19 patrol boat out myself, I believe we had two ships
20 arriving and three leaving. I could stand to be
21 corrected on this. I am speaking purely from memory.
22 As I understand it, there were two arriving and three
23 leaving, and as was brought out in testimony the other
24 day, we did only have one boat. Therefore with the
25 three that were leaving, say at 17, 18 and 1900 hours
26 respectively from New Westminster, we escorted the
27 1700 departure --

28 Q. The first one?

29 A. The first one, downstream, warning the
30 fishermen at the New Westminster end of the river that
there were two ships following an hour apart, and that
there would be another one coming in, which we would
be bringing back.



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4 Q. So that there is a procedure to warn
5 the fishermen on the river?

6 A. This is correct sir, and if I may add
7 now that we have our own patrol boat, or it will be
8 in use very shortly, we do have VHF and medium wave
9 radio, and we will be able to warn such vessels as
10 have radio of approaching vessels by that means as
11 well.

12 Q. Do you visit the ships as they come
13 into the harbour?

14 A. I try to get on board as many of them
15 as I can.

16 Q. Have you been on many of the bridge-aft
17 ships?

18 A. I would say almost all of the bridge-aft
19 ships that have been in the port since I came here, yes.

20 Q. Can you tell me from your own personal
21 knowledge the visibility from these bridge-aft ships?

22 A. Yes sir. It varies from ship to ship,
23 but generally speaking the visibility really isn't
24 too much better or worse from the wheelhouse of a
25 bridge-aft ship, but I would say from my own personal
26 opinion, if you stand in the wings of a bridge-aft
27 ship you can see far more than you can from that of a
28 conventional ship.

29 Q. But from the centre of the bridge, the
30 visibility is very similar to a conventional ship?

A. In some respects yes.

Q. Why is it with the structure being aft,
why is it as good as conventional ships? Is it higher



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3 up, or what is the --

4 A. The bridges in all bridge-aft ships
5 that I have ever visited, and I wouldn't wish to express
6 any opinion for those I haven't, have always been
7 considerably higher than the bridge of a conventional
8 ship.

9 Q. Why is that?

10 A. The reason as I see it, My Lord, is
11 that they have to pack in all the accommodation for
12 all their services into, shall we say, a restricted,
13 or smaller space than is usual in a conventional ship.
14 Where in a conventional ship you have the engines
15 amidships, they naturally utilize the whole super-
16 structure above the engine room for accommodation
17 and services, unless they can spread them out without
18 going higher.

19 Q. But on the other one it is built up
20 higher to fit it into this compressed area?

21 A. It has to be built up to get it all
22 in.

23 Q. Have you ever questioned any of the
24 masters of these brige-aft ships that you have visited
25 as to whether they would be prepared to take their
26 ship through the Railway Bridge with a pilot?

27 MR. LANGLOIS: My Lord, wouldn't this be
28 hearsay?

29 MR. HUNTER: I think it is information. This
30 man is the Harbour Master.

THE CHAIRMAN: This is not really hearsay.
It is a fact as to whether this was done. This was done



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4 in front of him. As to whether they would really do
5 so is another matter.

6 MR. LANGLOIS: I was afraid we were going to
7 get into this, My Lord.

8 THE WITNESS: The several masters that I
9 have spoken to, My Lord, I didn't actually put the
10 question to them in the manner in which it has been
11 put to me. In other words, "Would you go through
12 the bridge with a pilot?" I put it to them, "Can you
13 see any reason why you should not go through the
14 bridge?" and left it at that, and two masters said,
15 no, they couldn't, that their ships had been in smaller
16 places than that.

17 MR. JACQUES: You used the expression to be
18 in irons, referring to tugs. Would you explain that
19 to the Commission, please?

20 A. As I understand this term, it is a
21 position in which a tug sometimes finds itself, either
22 by use of excessive power, or maybe not enough power,
23 when working with a tow, to get in such a position as
24 it is unable to manoeuver. We had a situation, I think,
25 where two tow boats have been sunk for this cause.

26 MR. JACQUES: Do you mean to say that the tow
27 boat would get athwart the tow line, and would capsize?

28 THE WITNESS: Yes, the tow may possibly ride
29 over the tow boat.

30 MR. JACQUES: Now, since you have been here,
have you been able to find out why the pilots will not
take bridge-aft ships through the bridge?

A. The only knowledge I have of that, sir,



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4 is the knowledge that we have in our own office of
5 records of discussions which took place between my
6 Commissioners and Captain Clayton and the Pilotage
7 Authority, and so on, before I ever came here.

8 Q. To your knowledge, has any of the pilots
9 made suggestions for the taking of these sorts of ships
10 through the bridge?

11 A. No, sir. The only thing that I have seen
12 in this connection is in writing, in letters which have
13 been submitted where they consider that they will not
14 do it because of danger to property, life and limb, etc.

15 MR. JACQUES: Thank you.

16 CROSS-EXAMINATION BY MR. LANGLOIS:

17 Q. Mr. Kavanagh, how long have you been
18 Harbour Master here?

19 A. Approximately 8 months.

20 Q. Eight months?

21 A. Approximately, yes.

22 Q. How many large bridge-aft ships have
23 you visited in this period of time?

24 A. It would be hard to say, Mr. Langlois.
25 Possibly 20, 25.

26 Q. Over 520 feet, over 500 feet?

27 A. Well, I would prefer to commit myself
28 to ships in excess of 375 feet. In other words,
29 bridge-aft ships of the Knot type.

30 Q. Would you tell the Commission whether
or not conditions in other parts of the world were
similar to conditions met here in New Westminster?

A. Well, in answer to that, Mr. Langlois,



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3 I think it would be fair to say that the conditions,
4 tidal, windwise and the handling of ships would be the
5 same except that the narrow openings which you would
6 be manoeuvring into would be lock entrances or drydock
7 entrances, or something of that nature.

8 Q. At which there may be a bridge and
9 possibly lay-by walls?

10 A. Well, in those circumstances it depends
11 whether you can lock in or lay to.

12 Q. Is it not normal at the entrance to have
13 lay by walls?

14 A. Not in the Port of London, not in my
15 experience.

16 Q. You stated that should the tug get into
17 trouble or in danger of capsizing, there was a device
18 to knock off the pin and release the tug?

19 A. Yes.

20 Q. Would there not danger arise where the
21 tug was suddenly freed?

22 A. That is the reason why we had the second
23 tug.

24 Q. Where was she?

25 A. She was running off the bow.

26 Q. Do you think there is time to do that?

27 A. I have seen it several times in London,
28 and we have never hit the wall yet.

29 Q. Is it not a fact that it is only a
30 matter of seconds before you hit the pier? There is
very little time?

A. This is why they are expert.



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Q. But they still need time to do things?

A. Certainly.

Q. You mentioned the use of the patrol boat to warn fishermen. Do the fishermen, when they are so warned, put their nets out?

A. I would say they probably do.

Q. Would the patrol boat warn the fishermen in fog?

A. There is not really too much purpose because the deep sea ships don't move in fog. We have records in our office showing the Swift Shore when she has been out for 24 hours and she herself has had to tie up. Conditions are such that it does happen when we are on patrol, yes.

Q. Have you ever sailed on a ship with everything aft?

A. No, sir.

Q. You said you talked to several masters about going through these two bridges here. Have you heard from masters that they would be prepared to go through the bridges against the advice of the duly licensed **pilots** in the district?

A. As I recall the question that was put was: "Can you see any reason why you shouldn't?" And the answer was: "No." This had been part of the discussion, yes.

Q. Have you ever met a ship master who acted against the advice of the pilot?

A. Several.

Q. And what happened?



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4 A. Well, what was supposed to happen? The
5 ship got alongside in the proper manner, sir.

6 Q. Did these instances compare with the
7 situation here?

8 A. For transiting the bridge, sir?

9 Q. Yes?

10 A. No, not to my knowledge.

11 Q. Is it not a fact that you could have
12 a master agreeing with the pilot's handling of the
13 ship? Very seldom you will find a master who will go
14 against the advice of the pilot while going through
15 restricted or dangerous waters?

16 A. I have seen this happen, yes.

17 Q. You have seen it happen?

18 A. No, I haven't seen it, but I have heard
19 of it.

20 Q. You have heard someone bragging?

21 A. No, sir.

22 Q. How can you say it is not bragging?

23 A. I prefer not to discuss this particular
24 thing, but I will if I am forced to.

25 Q. What do you mean by that? I am asking
26 you a straight question and I want a straight answer.

27 A. May I put it this way: if you would
28 accept it as hearsay, all right. It was a matter I was
29 reasonably close to, but I would not like to discuss it.

30 Q. But you heard that from third parties?
Is that not the essence of your testimony?

A. May I put it this way: I heard it from
both parties, from the first and second parties.



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3 Q. Pardon?

4 A. I heard it from both parties involved.

5 Q. And did both parties agree that it was
6 the proper thing to do?

7 A. Naturally not. They were on opposite
8 sides.

9 MR. LANGLOIS: Thank you.

10 THE CHAIRMAN: Any further questions of Mr.
11 Kavanagh?

12 MR. HUNTER: No questions, My Lord.

13 MR. BIRD: No questions, My Lord.

14 MR. HUNTER: I have no further witnesses,
15 My Lord.

16 CROSS-EXAMINATION BY MR. JACQUES:

17 Q. This last incident, which was discussed
18 by you, am I right in saying that it happened in New
19 Westminster?

20 A. Yes, sir.

21 Q. Am I right in saying that the name of
22 the ship was "The Picardy"?

23 A. Yes.

24 Q. Am I right in saying it involved a
25 question whether the ship should go alongside starboard
26 side to or port side?

27 A. Yes.

28 Q. Am I right in saying that the master
29 took over the handling of the ship from the pilot?

30 A. Yes.

Q. Am I right in saying that the ship
docked without incident?



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3 A. Yes.

4 Q. And am I right that this incident
5 repeated itself at least once?

6 A. Not in the same circumstances, and I
7 don't think for the same reason.

8 MR. JACQUES: Thank you, sir.

9 THE CHAIRMAN: It would be hearsay, because
10 he wasn't there.

11 MR. LEGG: I am not sure of my position on
12 the roll. I see that #4 is Pacific Coast Terminals.

13 MR. MONROE: My lord, we are at the pleasure
14 of the Commission at this time of day, because we are
15 stopping at five o'clock tonight.

16 MR. LANGLOIS: My Lord, my witness is available.

17 THE CHAIRMAN: All right.

18 MR. LANGLOIS: Captain Draney.

19 ROBERT WILLIAM DRANEY, Sworn

20 THE SECRETARY: Would you state your name?

21 THE WITNESS: Robert William Draney.

22 THE SECRETARY: Your address:

23 THE WITNESS: 1711 Edinburgh Street.

24 THE SECRETARY: Occupation?

25 THE WITNESS: Master Mariner.

26 DIRECT EXAMINATION BY MR. LANGLOIS:

27 Q. Captain Draney, would you state your
28 sea experience, a short resume of your sea experience?

29 A. Well, I have been to sea for 42 years.
30 My first command was in 1929. My first permanent
command was in 1939, and I have been more or less in



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3 continuous service since then.

4 The first part of my seafaring career
5 up to the termination of this war was entirely deep
6 sea, with the exception of a few cases where I was up
7 in Ontario Channel.

8 Q. You have been in command of deep sea
9 vessels?

10 A. I have.

11 Q. You hold a deep sea ticket?

12 A. I do.

13 Q. What is your experience with the Fraser
14 River, sir?

15 A. I have been in command of locally-owned
16 towboats in the Fraser River for the last 15 years.

17 Q. What is your present occupation, sir?

18 A. I am master now of one of those tugs.

19 Q. Now, I don't want you to go into a
20 discussion of pilotage matters. Considering the
21 experience you have had, both as master of deep sea
22 vessels and in charge of towboats on this river, would
23 you mind telling the Commission as to whether or not
24 it would be a safe manoeuver to use tugs to take ships
25 through the bridges here at New Westminster, ships with
26 everything aft and over 500 feet?

27 A. Well, I hate to make a qualified -- I
28 can't answer that in simple terms.

29 Q. I understand that.

30 A. First of all, I haven't ever had any
experience on a bridge-aft ship, though I have observed
many of them around here. I have had experience on very
large ships, at times. I think I appreciate the



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4 problem.

5 I also appreciate the problem of
6 towing in a highly-powered towboat, which would be
7 required to operate effectively in and around the
8 Fraser River bridge with one of these big ships.

9 Of necessity you must characterize this
10 operation in two parts. Either you tow this ship in
11 terms of a dead ship, in other words what we understand
12 in the shipping world as a moving job with tugs, or
13 you are going to use her with her own engines. It is
14 quite practical to shift that ship, shift anywhere,
15 as far as that goes. It has been done all over the
16 world, shift it as a dead ship. In doing that you
17 would have to have the right type of ship, the right
18 type of tug, and the larger the ship, of course, the
19 more you have to use it.

20 I don't think that the larger type
21 tugs on the coast here are the right type to handle
22 this type of work. The previous evidence mentioned
23 the matter of a release gear on the tugs in Europe.
24 Well, that is true. I think, at the same time, he
25 may have mentioned that that release gear is positioned
26 at such a point on the tug that it is near the pivotal
27 point of the tug, and it is possible with those ships --
28 those tugs are built especially for that type of
29 work. I have seen them being engaged right astern,
30 right side on. That is essential in an operation if
you are going to move a ship, where you are using
your engines, because this term, "getting into irons,"
I don't think it was explained in the correct manner.



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4 We consider getting into irons as getting into such
5 a position that where it is dead ahead of the tug,
6 and if the ship wants to move to starboard, the tug
7 doesn't have any effect until it gets ahead into the
8 right position. If this ship was moving at an
9 appreciable speed, say 3 or 4 knots, it may be that
10 that tug would get over to such a position on the
11 side that it would have to pull to get this ship that
12 it is towing moving; and then with our present
13 arrangement here, tugs towing line aft, it would not
14 be able to recover itself to take a course in line
15 with the ship it is towing. So it means that the
16 ship it is towing falls ahead and it eventually goes
17 sideways, might be towed up with the ship and capsize.

18 That is the term "getting in irons".

19 Now, I mention that because we have
20 no tugs here of sufficient power with this towline near
21 the pivotal centre of the tug, and that, in my esti-
22 mation is a very necessary thing, not only for the
23 safety of the tug but the tug would be ineffective, it
24 would not be able to do its job properly.

25 I understand this is all in reference to
26 going through the Fraser River bridge.

27 Q. Yes.

28 A. Well, I also have been on ships that
29 have gone through very narrow apertures. I wouldn't
30 care to say whether they were narrower or wider than
the Fraser River bridge, but they were very narrow.

There are quite a lot of places in
Europe where ships go through canals, and so forth, but,



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4 in my opinion, there is nothing analgous to the
5 transit of the Fraser River bridge. In the case of
6 the Panama Canal, which was mentioned here, by two
7 witnesses, you have, first of all, the ports of the
8 Panama Canal, which are not contained in locks; it
9 is a simple pilotage problem which is more or less
10 the same as coming up the Fraser River. It is a
11 narrow channel, but there is no problem there, and it
12 is being done here. Going through the locks, the ship
13 goes alongside the wall, and there is an electric
14 mule put on it and it is pulled in. There is a
15 discharge from the upper level which supplies the
16 water for the locks, but that ship approaching that
17 point comes in and he is in flat water and approaching
18 very slowly, and when they get to that point where
19 the discharge is coming maybe sideways, if they are
20 able before that to cant the ship, they can go in.
21 But any reference to the Panama Canal as being
22 similar to any conditions around the Fraser River is
23 purely mythical in my estimation.

24 I had the misfortune one time -- I
25 don't know, but I considered it a misfortune at the
26 time -- having to pilot my own ship through the
27 Panama Canal during the War, owing to lack of pilots;
28 I had to follow another pilot through. I think I
29 can speak with authority.

30 Q. How many transits have you made of the
Panama Canal?

A. As an Officer, as a seaman, I imagine
about 15, or 20, something like that.



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3 MR. LANGLOIS: Thank you very much, Captain.
4

5 CROSS-EXAMINATION BY MR. JACQUES:

6 Q. We have been here since last Monday,
7 Captain, and we have heard just about everybody and
8 every theory on how to traverse the bridge, and it seems
9 to me that the rest of the world has no problems at
10 all and all the problems are concentrated on the
11 Railway Bridge.

12 You have been going to sea a long time.
13 You have stated facts, you have stated possibilites
14 as to what might happen to a tugboat with line ahead,
15 and I think most of us agree with you that these things
16 might happen. What I would like to know from you is,
17 do these things happen every time you have a tug with
18 a line ahead?

19 A. No.

20 Q. It doesn't happen every time?

21 A. No.

22 Q. It may happen?

23 A. Well, the mere operation of handling
24 a ship or any kind of a floating body at sea poses a
25 different problem every time. Things happen you don't
26 expect and things happen you do expect, and you try to
27 overcome them. If a man is a good seaman and he has
28 a background of experience, he comes up with some kind
29 of a solution. It may not be the best one, but he
30 gets there somehow.

Q. Am I right in saying that when there is
a difficult problem and that you try to solve it, it
doesn't always end in disaster?



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3 A. Definitely not.

4 MR. JACQUES: Thank you, sir.

5
6 CROSS-EXAMINATION BY MR. BIRD:

7 Q. Captain, I gather you have had substantial
8 experience as master of ships. Have you ever taken a
9 ship through the New Westminster bridge?

10 A. A deep sea ship?

11 Q. Yes?

12 A. No.

13 Q. And you have had experience in --

14 A. I have not had any experience. I am not
15 qualified to talk about piloting a ship through the
16 Fraser River bridge. I have never done it.

17 Q. But you have taken barges through it,
18 have you?

19 A. Yes.

20 Q. What company?

21 A. Crown Zellerbach.

22 Q. So you have been largely concerned with
23 towing unmanned barges through the bridge?

24 A. On the contrary, manned barges, steered.
25 These barges are a distinct type of their own. They are
26 old sailing ships.

27 Q. You mean they are hulks?

28 A. Well, there is some argument about a
29 hulk. This is the type of ship where it is a converted
30 ship, has a pointed bow, and we do go through there at
times with 26 feet draught and 342 feet long. They
won't handle in close quarters without being steered.

Q. Now, could you give me roughly the



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3 dimensions, length, beam?

4 A. Of these barges?

5 Q. Yes? The barges you have been towing?

6 A. 342 feet, about 40 some odd feet in beam,
7 and anywhere from 24 feet draught. They have been 26
8 feet in draught, but as an average about 24 feet.

9 Q. And loaded with log chips?

10 A. Chips and logs.

11 Q. So it isn't a question of having the
12 vessel divided into compartments; everything is
13 removed and you have got --

14 A. Just a big hole there and everything is
15 filled up.

16 Q. You mentioned that you didn't consider
17 it would be a problem for a deep sea vessel to come up
18 the Fraser River or down the Fraser River, that the
19 problems presented by such a passage would be not of
20 any greater difficulty relatively than any other
21 pilotage problems around the world?

22 A. You mean below the bridge?

23 Q. Yes?

24 A. Yes.

25 MR. BIRD: Thank you.

26 BY MR. JACQUES:

27 Q. You have been handling these hulks --
28 may we call them hulks?

29 A. I would call them that.

30 Q. How long have you been handling these
things through the bridge?

A. 1953.



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Q. 1953. That is ten years?

A. Yes.

Q. Have you always handled the same size of hulks?

A. No. We had three up until quite recently. The smallest one was in the neighbourhood of, I would say offhand, 320 feet, and the other two, one was 330 feet and the other 342 feet.

Q. Now, what sort of tug do you have? What is her horsepower?

A. 1200.

Q. How many times would you go through the bridge in the course of a week?

A. Well, that varies, but at one time we used to go through there, make a trip a week to Ocean Falls, once up and once down.

Q. Would it be fair to say that you have been through the bridge once a week for the past ten years?

A. Oh, no. You want an idea of how many times I think I have been through?

Q. Yes?

A. I would say 200 to 250.

Q. How many accidents have you had, hitting the bridge?

A. I have not had any.

BY MR. LEGG:

Q. Captain Draney, are you familiar with the change that has taken place at the Fraser Mills with regard to the deep sea sailings from Fraser Mills,



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3 compared with the scow sailings from that port?

4 A. I have heard it has decreased.

5 Q. In your work for Crown Zellerbach, and
6 transporting hulks through the bridge, have you become
7 familiar with the pattern of traffic that has gone on
8 at Fraser Mills?

9 A. I am not sure that I understand.

10 Q. Well, is it not correct that so far as
11 the shipments of lumber is concerned, two methods, two
12 general methods, are used? One is to ship by deep sea
13 vessels, and the second is to scow out lumber to either
14 New Westminster or Vancouver?

15 A. Oh, yes.

16 Q. Now, what in your experience has been the
17 trend with those two methods over the last ten years?

18 A. I have seen a great deal less deep sea
19 ships up there, and a lot more scows.

20 Q. Can you express any opinion as to the
21 reason for that, that is the lessening of the deep sea
22 shipping and the increased use of scowing?

23 A. I could only give you what my private
24 thoughts would be on the matter. I couldn't give you
25 an expert opinion. I am only a layman observing it.

26 Q. It is a matter of experience, is it not?
27 If I suggest this to you, that it is the trend towards
28 the bridge-aft vessel, and the restrictions at the
29 bridge, as being the main reason, would you agree with
30 that, or would you disagree with it?

A. Yes, I would agree with that as far as
the bridge-aft vessel is concerned.



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4 Q. Is this particularly so in the last two
5 or three years?

6 A. Oh, yes.

7 THE CHAIRMAN: Are there any further questions
8 of Captain Draney? Thank you Captain Draney.

9 We will adjourn until tomorrow morning
10 here at 9:30, and it is quite probable that Saturday
11 we should go to Vancouver, at the Customs House.

12 ---At 5:05 p.m. the hearing adjourned until 9:30 a.m.
13 on the 29th of March, 1963.

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

NEW WESTMINSTER
B. C.

VOLUME No.:

15

DATE:

MARCH 29 1963

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Courthouse Annex,
New Westminster, British Col-
umbia, on the 29th day of
March, 1963.

COMMISSION:

| | |
|------------------------------------|-----------------|
| The Honourable Mr. Justice Bernier | Chairman |
| Robert K. Smith, Esq. | Member |
| Harold A. Renwick, Esq. | Member |
| ----- | |
| Mr. Gilbert W. Nadeau | Secretary |
| Mr. F. S. Morissette | Asst. Secretary |
| ----- | |

COMMISSION COUNSEL:

| | |
|----------------------------|---|
| Mr. Maurice Jacques, Q.C. | ----- |
| Mr. Leopold Langlois, Q.C. | for the Canadian Merchant Service Guild and for the Pilots of the Pilot- age District of New Westminster (Fraser River) |
| Mr. J. I. Bird, Q.C. | for Vancouver Chamber of Shipping |
| Mr. W. T. Hunter | for New Westminster Harbour Commissioners |
| Mr. R. N. Monroe | for Pacific Coast Ter- minals Company Limited |
| Mr. H. P. Legg | for Crown Zellerbach Building Materials Limited |
| ----- | |

Also Present:

Capt. F. S. Slocombe, Department of
Transport and liaison officer

Capt. J. S. Scott, Technical Advisor
to the Commission



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Photocopy of an agreement dated
October 26, 1939, between His
Majesty the King (in the right
of the Province of British
Columbia) and His Majesty the
King (in the right of the
Dominion of Canada).

1956

194

Letter from New Westminster
Harbour Commissioners to Sir
R. Ropner & Co. Ltd., dated
December 22, 1961.

1956

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1869
New Westminster, B.C.,
March 29, 1963.

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---On commencing at 9:30 a.m.

MR. LANGLOIS: I have here, my lord, a clipping of a barge being cleared by the Railway Bridge, requiring the use of 19 tugs.

THE CHAIRMAN: We should file this as an exhibit.

---EXHIBIT NO. 187: Press clipping of a barge being cleared from the Railway Bridge.

MR. JACQUES: Would the Pacific Coast Terminals take the stand now?

SUBMISSION OF
PACIFIC COAST TERMINALS COMPANY LIMITED

APPEARANCES: Mr. R. N. Monroe

JOHN S. DENNIS, Sworn

THE SECRETARY: What is your name?

THE WITNESS: John S. Dennis.

THE SECRETARY: And your address please?

THE WITNESS: 235 Second Street, New Westminster.

THE SECRETARY: And what is your occupation please?

THE WITNESS: Assistant General Manager of Pacific Coast Terminals.

THE SECRETARY: And what is your age?

THE WITNESS: 51.

DIRECT EXAMINATION BY MR. MONROE:

Q. Captain Dennis, I have before me a brief



1 submitted by the Pacific Coast Terminals Company Limited
2 to the Royal Commission, and filed as Exhibit 167. Do
3 you have that brief?

4 A. I do sir.

5 Q. Are you the author of this brief?

6 A. I am sir.

7 Q. Are you an employee of Pacific Coast
8 Terminals, Captain Dennis?

9 A. I am sir.

10 Q. In what capacity are you employed?

11 A. Assistant General Manager.

12 Q. How long have you been Assistant General
13 Manager?

14 A. Since February 1st of 1957.

15 Q. How long have you been with the company?

16 A. Since that time.

17 Q. Would you just briefly tell the Commission
18 what the business of the company is, the services they
19 provide?

20 A. My lord, the Pacific Coast Terminals is a
21 terminal operation company, dealing with the receiving
22 and marshalling of commodities destined for furtherance
23 by the water in ships trading into the port, and the
24 receiving of cargo from vessels for distribution within
25 the area.

26 Q. Now, Captain Dennis, prior to your
27 experience with Pacific Coast Terminals, would you just
28 briefly detail your other marine and perhaps commercial
29 experience?

30 A. Well sir, I have been employed in a variety



1 of services. At one time I was a member of the New
2 Westminster Harbour Commission, and also at one time I
3 was a licensed pilot for the Fraser River.

4 Q. For what period of time were you a licensed
5 pilot?

6 A. For various periods since September the
7 1st 1941.

8 Q. Have you had B.C. coastal experience?

9 A. I have.

10 Q. Would you just briefly tell the Commission
11 what that experience is?

12 A. I first went to sea on the British Columbia
13 coast in 1928, and ultimately received certificates,
14 ultimately as coastal master.

15 Q. You have held a coastal master's
16 certificate?

17 A. Yes.

18 Q. Well then, combining your coastal
19 experience, your Fraser River pilotage experience, and
20 your experience as a dock operator, do you feel that you
21 are qualified to make recommendations for the commercial
22 welfare of the lower Fraser River in general, and New
23 Westminster Harbour in particular?

24 A. These recommendations, sir, contained
25 within the company's brief are the company's recommenda-
26 tions now. They are not mine. Although I was the author
27 they were accepted by the company, and are the recommenda-
28 tions of the company.

29 Q. Well, I am suggesting to you, Captain,
30 that with your experience this would qualify you, would you



1 not agree with that?

2 A. Those qualifications were apparently
3 accepted.

4 Q. Let us then proceed with all possible
5 despatch to deal with this brief. I am referring to Part
6 1, your paragraph 1. It is the fourth page of your brief.
7 It is not numbered as page 4, but it is the fourth page,
8 excluding your letter to the Commission. You have stated,
9 and it has been adduced in evidence before the Commission,
10 that the Fraser River channel is a changing and a hazardous
11 one. Do you agree for this reason that the pilots, and
12 pilotage, is a necessary service in the river?

13 A. Well, my lord, in being privileged to
14 present a brief before this Commission, the company attacked
15 the problem in this way. Firstly to hypothetically
16 establish within their mind whether or not any pilotage
17 service was necessary in this river, and after studying
18 and documenting the conditions which prevail here we
19 contend that a pilotage service is indeed required, and
20 that such a service must of necessity be maintained by
21 skilled, experienced and competent pilots, because of the
22 very nature of the conditions against which they must work.

23 Q. Then, Captain, you definitely do agree with
24 the necessity for pilots in the river?

25 A. We do, sir.

26 Q. Now, I am referring you further down the
27 page, to your paragraph 1, part 2, on the same page, and
28 you say there that the average cost, per vessel, is on
29 the order of \$240 for service to and from New Westminster.
30 You further say that vessel arrivals under pilotage during



1 1962 amounted to 542 with the great percentage of the
2 total cost to shipping being in excess of the dues for
3 pilotage service to Vancouver. Would you state first of
4 all the source of your information, and the authority
5 for it?

6 A. With regard to the average cost per vessel,
7 my lord, this was obtained from an official of the New
8 Westminster Pilotage Authority, and was given as an
9 average cost throughout the year. I believe if the number
10 of vessels under pilotage was divided into the already
11 stated gross revenues of the District, the figure arrived
12 at would be something in the neighbourhood of the figure
13 mentioned in the brief, possibly \$240 to \$245. This figure
14 was given to me by Mr. Warren, and I verily believe it to
15 be correct.

16 Q. With specific reference to the statement
17 regarding excessive dues for pilotage service as compared
18 with Vancouver, can you elaborate in support of this
19 contention?

20 A. I could say this, sir, that referring to
21 the basis upon which the brief was prepared, my lord, we
22 assumed that the terms of reference under which this Royal
23 Commission was prepared to receive briefs did include in
24 part changes, if any, which might be made to the pilotage
25 system now prevailing, having regard to for instance the
26 development of shipping and commerce, and it is upon that
27 premise that we make the statement.

28 Q. Do you have some personal knowledge of
29 these differences, Captain? Can you produce any specific
30 instances?



1 A. We have some examples, my lord. We took
2 as a base a number of vessels which were at our berths
3 last Monday, when your Commission opened here, and we
4 used these vessels and their tonnages as examples, and
5 assumed a certain draught inward and a certain draught
6 outward, and thereupon computed pilotage figures, pilotage
7 costs. The reasons, figures, the reasons or the tariffs
8 having been gained from Captain Eddy's department in
9 Vancouver, the B.C. Pilotage, and the New Westminster
10 Pilotage District in New Westminster. We find that in the
11 main the cost of taking a ship, or bringing a ship from
12 sea and trading her into the port of New Westminster, and
13 returning her to sea, is something in the neighbourhood
14 of 60 to 70 per cent greater than bringing the same vessel
15 from sea, trading her into the port of Vancouver, and
16 returning her to sea. In another instance, an average
17 vessel it takes almost twice as much to move a vessel from
18 Vancouver to New Westminster than it does to move the
19 same vessel from Vancouver to say Nanaimo. This we contend
20 is a burden against the port generally and all the
21 trade within the port of New Westminster, and this we
22 would seek to have equalized with other ports so that
23 there need be no surcharge, or burden against the develop-
24 ment, a burden which would react against the development
25 of trade and commerce within the port of New Westminster.

26 Q. Could you give an actual example, Captain?
27 Perhaps a ship or two from this area, as compared to
28 Vancouver?

29 A. We have these computations, my lord,
30 based upon the four vessels which were at our berths last



1 Monday morning, and I may say sir that these in my
2 estimation are reasonably representative of the vessels
3 trading on this range at the present time. One was a
4 British ship, of 501 feet in length, a liner class vessel
5 belonging to Furness Withy Pacific Northwest. One was a
6 Greek registered, American built Liberty, of standard
7 dimensions. One was a Greek registered, recently con-
8 structed, modern vessel, 14,000 dead weight tons, 518 feet
9 in length. The last one cited was an open shelter deck
10 vessel of Norwegian registry, of the type discussed earlier
11 here this week.

12 MR. LANGLOIS: Could we have the names of the
13 ships?

14 THE WITNESS: The Pacific Northwest was the
15 liner class vessel, British registered 9,442 gross tons,
16 5,529 net tons, 11,410 tons dead weight capacity, 501
17 feet in length, 63 feet five inches in the beam, with a
18 summer draught of 29 feet six inches. She is of British
19 registry.

20 Q. Captain, if you can give this of your
21 own knowledge, would you cite the actual charges?

22 A. From information gained from one of the
23 officers of the Vancouver office, the pilotage upon this
24 vessel coming from sea to Vancouver and returning to sea,
25 including the Victoria pilot boat charges, would, based
26 upon a 20 foot draught, and a 24 foot draught outward have
27 been \$289.62.. The pilotage from sea to New Westminster
28 and return to sea, including the Fraser River pilot board
29 charges, would have been \$514.98. I think the one is
30 about 65 or 70 per cent greater than the other.



1 Q. Are those all the figures that you have
2 on that?

3 A. Pilotage from Vancouver to New Westminster
4 and return to Vancouver for the same ship, upon the same
5 draught, would have been \$449.38, whereas the Fraser River
6 pilotage alone, Sand Heads to New Westminster and return
7 to Sand Heads, including the Fraser River pilot boat
8 charges, would have amounted to \$278.16. The ratios, I
9 may say my lord, are borne out in the other three examples.
10 I do have copies, Mr. Monroe, if it requires to be cited.
11 These are our computations.

12 Q. From that you then conclude that there is
13 a 60 to 70 per cent greater charge as against the Vancouver
14 charges for New Westminster?

15 A. Yes, and we cite it merely as a fact, that
16 these charges are surcharges to the trade trading into the
17 port and react against the development of trade and
18 commerce within this area.

19 THE CHAIRMAN: Captain Dennis, I see that you
20 have a chart worked out about those three ships?

21 THE WITNESS: Yes sir.

22 THE CHAIRMAN: Would you have any objection to
23 filing it?

24 THE WITNESS: Not at all sir.

25 THE CHAIRMAN: We would appreciate that, to have
26 the calculations, and we could look them up.

27 MR. MONROE: I am turning over an original and
28 three copies of the figures Captain Dennis has just
29 referred to, relating to four ships. This is typed, and
30 dated March 29th, 1963.



1 ---EXHIBIT NO. 188:

Table of pilotage charges
showing a comparison of
applicable pilotage rates
in New Westminster as against
Vancouver.

2
3
4 MR. MONROE: Perhaps this, my lord, should be an
5 addendum to our brief?

6 THE CHAIRMAN: Yes.

7 Q. This set of figures would seem to support
8 you contention of the disparity which you have referred to
9 as a surcharge, and which I gather you consider is an
10 unfair disparity. Would you tell the Commission why you
11 consider this disparity, or variance in the charges, as an
12 unfair one?

13 A. Well, I would say, my lord, that the
14 inducement of any vessel to trade into any area is reflected
15 in the total costs of trading into the area, and if you
16 can trade into an area with less cost, and gain the same
17 cargoes at the same cargo rates than trading into a port
18 where the costs are greater and the carriage for the ocean
19 rate is no greater, well then this is a lack of inducement,
20 if I may use the term.

21 Q. Now, do you have any recommendations, or
22 suggestions, in the way of improvement or change that could
23 get around these heavy surcharges you refer to?

24 A. Well, I believe this condition is not
25 anyone's fault. I think it just grew, like Topsy. It
26 arises out of the fact that there are in fact two pilotage
27 districts. In moving a ship from New Westminster to
28 Vancouver, and in moving a ship from sea to New Westminster
29 and returning her to sea you perforce do traverse from
30 one District into another, where pilots are licensed in one



1 and not in the other. It is not fault of the pilotage
2 service. It is the fault of the delineation of the
3 Pilotage Districts, I contend, and that this charge is
4 brought about by the simple fact that a pilot is not
5 licensed to act as such outside of a purely and definitely
6 delineated area.

7 COMMISSIONER SMITH: Hasn't geography got a lot
8 to do with it?

9 THE WITNESS: I suppose sir the limitations of
10 the District are upon geographical lines, but to emphasize
11 our point, sir, we would like to bring out the fact that
12 many of the ships, a reasonably large percentage of the
13 vessels trading into New Westminster, do in fact either
14 come from or go to Vancouver, and while not wishing to
15 have specialized, or not wishing to see specialized people
16 being burdened with the perambulations far afield, we
17 believe that if those vessels which trade to and from
18 Vancouver and New Westminster could do so without traversing
19 from one District to another, this would alleviate a great
20 deal of the problem, and further, that if the separate
21 tariff of the New Westminster Pilotage District was wiped
22 out as such, and applied as the tariff on the B.C. coast
23 as outlined, that this more equitable condition would
24 prevail.

25 We took certain casual periods for the last
26 three weeks open to us prior to preparation before the
27 25th of March, when you opened here, and we took the
28 previous three weeks, from the 27th of February to the
29 21st of March, and we took into consideration only those
30 vessels which traded into our own wharves. We found that



1 during that period of time 27 vessels did in fact arrive,
2 and were loaded, and did in fact depart, and we contend
3 that it was a fairly representative trade during that
4 period of time, and that of the 27 vessels, which would
5 require 54 pilotage assignments, no less than 37% were
6 either from or to Vancouver. While not wishing to blandly
7 and indiscriminately box two Districts together, we believe
8 that these portions of two Districts could be quite
9 easily and effectively combined. It may be, if I may use
10 the term, an overlapping to this extent.

11 Q. As the situation stands now, if a ship
12 were proceeding up the Strait of Georgia in a northeasterly
13 direction more or less, as it arrives at the pilotage
14 station to come to New Westminster, it is then met with
15 an entirely different charge. Is this correct? But if
16 it continues and proceeds on to Vancouver without any stop,
17 it will go right into the harbour of Vancouver at the
18 standard, fixed rate of pilotage. Is that correct?

19 A. Yes.

20 Q. But to proceed a roughly similar distance
21 in a different direction, and bifurcate it, if you will,
22 at the station for the Fraser River, another charge of a
23 considerable sum, which you have outlined, will be added
24 on, that is correct is it?

25 A. Yes sir.

26 Q. Now, Captain, moving to your paragraph 1.3
27 on the fifth page of the company's brief. I will just
28 briefly read:

29 "It is the company's contention that this

30 "Pilotage Service is required to facilitate the



1 "development of trade and commerce in this area,
2 "that the service must be maintained by skilled,
3 "experienced and competent pilots, and further,
4 "that the service must in fact, be improved if
5 "the trade of this Port is to achieve an orderly
6 "and economic development".

7 Just so there shall be no misunderstanding
8 and possibly later excoriation on this point, you do not
9 mean to imply that the pilots presently employed in this
10 service are not sufficiently qualified, or are not skilled
11 and experienced?

12 A. This would be furthest from our thoughts
13 sir.

14 Q. But what you are referring to is that the
15 actual service, as it is presently constituted, could be
16 improved? Is this correct?

17 A. As we have outlined we say it could be
18 improved.

19 Q. What do you say is wrong with the service
20 as it stands today?

21 A. Well, on these particular runs from
22 Vancouver to New Westminster, which is apt to take well
23 over 30% of the trade perforce two pilots must service
24 the craft, due to the fact that for geographical means or
25 reasons, or otherwise, there are two Districts involved.
26 They can't do much about it. They are licensed for
27 specific Districts. If this could be eliminated it would
28 be an improvement.

29 Q. In other words, you are making a
30 recommendation. You are not really making a criticism as



1 such I take it?

2 A. Well, we based our attack on the problem,
3 sir, on two premises, if you will: (1) We considered the
4 problem of the present pilotage system, its need, and its
5 cost to the industry; and the second part of our study
6 was concerned with the recommendations for the improvement
7 of the service.

8 COMMISSIONER SMITH: Isn't there a point here,
9 that if you eliminate a District you consequently reduce
10 the earnings of the pilots; and doesn't it follow that if
11 that happens you might interfere with the service, reduce
12 the quality of the service?

13 THE WITNESS: We feel that it doesn't necessarily
14 follow in this regard, inasmuch as it stands now and as
15 the Districts are outlined, it requires on this 37% of
16 this number of vessels, and which we believe to be fairly
17 representative of any year's vessels -- this 37% requires
18 now the services of two pilots; whereas a pilot from New
19 Westminster could land, we contend, with their skill and
20 experience, a vessel in Vancouver without an additional
21 pilot and thereby lessening the number of pilots required
22 by that amount.

23 So it doesn't necessarily follow, we believe --
24 although as terminal operators we are not competent to
25 deal with the means by which pilotage earnings are
26 established -- we feel there is a field here for study
27 for improvement, and we recommend the views of the
28 Commission towards that end.

29 Q. Your recommendation would amount, would
30 it not, to the elimination of a duplication of pilotage at



1 the bifurcation point?

2 A. Where this could be effectively done, yes.

3 Q. You say: "There exists ample proof that
4 the sums paid annually by shipping for pilotage services
5 in the British Columbia Pilotage District could, in
6 addition, adequately provide for the services of the
7 comparatively few skilled pilots required for service in
8 the Fraser River." Would you explain that a little more,
9 please, Captain? Would you elaborate on that?

10 A. Perhaps we are not competent to go beyond
11 generalities in this regard, for we do not have the facts
12 or the figures by which a pilot's monthly workload is
13 established; but we attacked it on the premise that if
14 duplication of pilotage was, in fact, and in a certain
15 area eliminated there would be not necessarily a lessening
16 of the pilotage earnings.

17 Q. Can you think of some method by which the
18 earnings of pilots would not be lessened were this
19 recommendation to be implemented?

20 A. Well, I propose as a mere suggestion that
21 if the percentage of the trade which moves either from
22 or to Vancouver and from or to New Westminster could be
23 covered by a Fraser River pilot, thereby releasing the
24 now required Vancouver pilot from this portion of the
25 trade, and the elimination of the District, which in turn
26 would eliminate the added doubling of the cost, you would
27 of necessity have to build a different set of figures,
28 a tariff based upon the British Columbia tariff structure,
29 and you would then gain a more equitable application of
30 pilotage rates in this percentage of the trade.



1 Q. Perhaps this is not a fair question to
2 ask of you, Captain, but in your personal opinion would
3 the same number of pilots not then still be required under
4 any set-up, any centralized authority, would it not still
5 require the same number of pilots as it does for the two
6 areas as it does now?

7 A. I am not responsible for nor competent
8 to establish the workload of a pilot, but I would believe
9 that that 37% or 20 pilotage assignments which now require
10 in these three weeks a Vancouver pilot as well as a New
11 Westminster pilot could be related to a monthly workload
12 of a Vancouver pilot or a New Westminster pilot, and
13 thereby you would establish the needed number in total to
14 cover the trade.

15 We have heard that there are some 66 pilots
16 required in the coastal district and seven pilots required
17 in the New Westminster district. If these figures be
18 correct, it gives a total of 73 pilots required to cover
19 the trade, and if you eliminate the duplication which
20 presently exists on that percentage of the trade which
21 moves either from or to Vancouver, from or to New Westminster,
22 we might arithmetically establish the requirements to be
23 something less than 73.

24 Q. You say, Captain Dennis, that the sums
25 paid annually by shipping for pilotage services in the
26 British Columbia Pilotage District could adequately
27 provide for the services of the comparatively few skilled
28 pilots required. When you say "comparatively few skilled
29 pilots required" for service in the Fraser River, are you
30 referring to the seven pilots engaged on the Fraser River?



1 A. We are referring to the seven as compared
2 to the 66.

3 Q. Moving down on the same page to paragraph
4 2.1(a), you say with reference to the recommendations for
5 improvements in the administration of the District and
6 improvements to the ship channel,

7 "In this connection any Pilotage Authority should
8 "we contend possess the necessary technical
9 "knowledge, experience and competency to govern
10 "the pilots licensed for the district and to
11 "fairly adjudicate the problems from time to time
12 "arising out of the arrival and departure of
13 "vessels to and from certain specific areas in
14 "the harbour, such as, the areas East of the
15 "New Westminster Railway Bridge, the Grain
16 "Elevator berths, the Pacific Coast Terminals
17 "and other locations."

18 Now, would you indicate, if you can, for
19 the Commission where the falling short, if you like, or
20 the dereliction is now? What failure is there? Are you
21 implying there is a failure in the degree of competency,
22 et cetera?

23 A. Well, my lord, we have heard of arbitrary
24 regulations being established, or recommendations, if you
25 will. We have heard also that there is need in the minds
26 of the technical men involved that some solution to the
27 problems must be made, and with this we would agree, that
28 when commerce is worked into restricted areas, where there
29 is insistent high and variable velocities, there must from
30 time to time exist many problems, and these problems cannot



1 be minimized or walked away from; they must of necessity
2 be solved one way or another. I would contend that the
3 pilots as a body, by experience, have been forced into the
4 position of adjudicating these problems, whereas if
5 competent authority did exist perhaps they would not have
6 been forced to take this position. It is wrong, it is
7 detrimental to the port to say, in the face of a problem,
8 we cannot solve it. There is only one development of
9 that line of thought, and that is that there shall be
10 ultimately no trade into the port at all.

11 Q. Do you feel, Captain, that such problems
12 as may have arisen or some or any or all of them have
13 not been fairly adjudicated at times?

14 A. Yes, we believe so. We believe that it is
15 wrong for pilots to be, as a group or individually, forced
16 into a position of having to adjudicate.

17 Q. Without putting words into your mouth,
18 are you saying that it is not fair to expect the pilots to
19 adjudicate on their own decisions and then appeal on their
20 own adjudications?

21 A. I would say that is very well put, sir.

22 Q. Do you know of any instances of, say,
23 an unfair adjudication, for lack of a better term?

24 A. I could cite adjudications. I am not
25 prepared to say whether they were unfair.

26 Q. Can you say whether you know they are
27 unfair from the position which you have previously out-
28 lined?

29 A. Yes, I would say that.

30 Q. Have you some thoughts that you could tell



1 the Commission in what way and how improvements in this
2 present limitation of, shall we say, adjudication policy
3 could be achieved? How could these be implemented?

4 A. By a competent authority.

5 Q. What do you consider a competent authority?

6 A. An authority with the requisite technical
7 knowledge and skill.

8 Q. What do you consider the requisite technical
9 knowledge and skill?

10 A. A complete and thorough-going knowledge
11 of the vessels which trade into an area and of the problems
12 that those vessels may encounter.

13 Q. There has been considerable time spent
14 in this Commission, I think, illustrating the vast problems
15 and the undeniable skill of the pilots, where the river,
16 shall we say, changes under their very eyes on every
17 trip, a very, very difficult situation for any pilot?

18 A. Yes, indeed.

19 Q. In what way could you suggest that there
20 could be superimposed over that vast knowledge some
21 further knowledge?

22 A. I don't say further.

23 Q. Additional knowledge.

24 A. The same knowledge, which does not, we
25 contend, exist in the present authority.

26 Q. In other words, is it correct to say that
27 you would wish to see problems concerning the group of
28 seven as it exists today not referred to the group of
29 seven for adjudication but referred to any other group
30 or individual of the same qualifications or in the same



1 area who may be considered impartial? Is that a correct
2 statement?

3 A. I don't think that in its essence would
4 naturally or necessarily solve the problems. But I believe
5 there should be in the solution of these many problems
6 which might occur in this river or any other area of
7 restricted waterway the means by which these problems can
8 be solved by proper adjudication, having taken into
9 consideration the often varying needs of the shippers of
10 cargo and the shipowners and the licensed pilots. I would
11 not necessarily see a group adjudicate and govern
12 completely over and having no connection with the pilots,
13 but I think this technical body or group of men should
14 have some mutuality of interest and recourse in the solution
15 of such problems.

16 Q. You see, what I am trying to bring out
17 here -- and I am not trying to flog my own witness; I am
18 merely trying to bring out all the facts -- you have
19 granted that the existing pilots have as much skill and
20 technical knowledge that any man could fairly be expected
21 to have of this river. At the same time, it would seem
22 that you would feel that a group with the same technical
23 knowledge be appealed to on the contentious matters which
24 may arise of the type we are discussing. Could you more
25 specifically indicate what you are thinking of? You are
26 not thinking, for example, of a magistrate or a county
27 court judge or someone utterly unskilled in the knowledge
28 of the river?

29 A. No, indeed not, sir. But it states within
30 the Pilotage By-laws, my lord, under Section 9:



1 "All questions and disputes arising between
2 "pilots, masters of ships and other respecting
3 "pilotage matters should be referred to the
4 "Authority in writing for adjustment and decision;
5 "and the decision of the Authority shall be
6 "final."

7 Well, I believe if you accept such a by-law,
8 you must by the same token accept the responsibility that
9 the authority making the decision shall be competent to
10 do so.

11 Q. I suggest to you, Captain, what you are
12 saying is some authority, be it technically advised or
13 otherwise, as long as they are truly able to consider
14 these problems and have some knowledge of them outside of
15 the group of seven?

16 A. Yes.

17 THE CHAIRMAN: Or they could get expert knowledge.

18 MR. MONROE: Yes, my lord, that would be
19 equally acceptable.

20 Q. On the next page, under paragraph 2.1(a)
21 you say:

22 "Such adjudication should take into considera-
23 "tion the often varying needs and wishes of
24 "shippers of cargoe and ship-owners as well as
25 "those of the licensed pilots"

26 Are you able to give just some examples of the varying
27 needs and wishes of shippers? I am sure most of us know
28 them, but I would like to have this on record.

29 A. Well, I think in a sense it was covered
30 by your previous question and answer. We might accept the



1 fact that there are three main interests involved in any
2 movement of vessels or trade into an area; the interest
3 of the shipowners and/or their agents, who control the
4 movement of vessels, firstly; secondly, the needs, the
5 requirements of the shippers of cargo; and, thirdly, the
6 facility or one of the facilities by which this trade is
7 continued, that of the licensed pilots. Certainly the
8 needs of these three interests must be accepted and must
9 be considered very closely.

10 Q. Perhaps this ground has been covered,
11 perhaps not. But you say:

12 "...in the absence of such balance, competent
13 judgment there can often be arbitrary decisions
14 imposed upon certain types of vessels or
15 certain locations."

16 Now, we have been discussing the danger
17 of arbitrary decisions, but you are a little more specific
18 in stating "arbitrary decisions imposed upon certain types
19 of vessels or certain locations." Can you give any
20 instances of arbitrary decisions imposed on a certain type
21 of vessel or on a certain location?

22 A. Well, we have had the New Westminster
23 Bridge pretty well flogged during the week.

24 Q. That was what you possibly had in mind?

25 A. One of them, yes.

26 Q. Anything else in that connection?

27 A. I think we cited the Grain Elevator.

28 There are the problems arising out of the good sense or
29 the safety of manoeuvres, and also Pacific Coast Terminals,
30 particularly berths A, B and C of the Terminals. There may



1 be other problems.

2 Q. I think the other two, the Bridge and the
3 Grain Elevator, have been adequately brought out in the
4 evidence adduced before the Commission.

5 Have you anything to say about the Terminals
6 or the berths?

7 A. Only to say that we believe if the interests
8 of three or the needs of the three interested parties in
9 the trade were perhaps more mutually considered, the trade
10 might be facilitated to a greater degree into that
11 particular area.

12 Q. That is the specific area of New
13 Westminster?

14 A. Yes, and the specific area you asked for,
15 the three specific areas.

16 Q. Can you indicate any adverse effect,
17 specific adverse effect in the past?

18 A. Well, there are often delays encountered
19 due to problems of berthing vessels in berths A and B at
20 the Terminals. The pilots have requested certain workable
21 widths of the approach areas, and in turn those requests
22 have been made to the Harbour Commission. We have yet to
23 see those areas attained. Consequently, there are at times
24 delays arising out of the vessels requiring berths or to
25 leave berths.

26 Q. But the pilots have brought them in?

27 A. Yes.

28 Q. You say that the delays might be reduced
29 by paying more attention to the adequacy of depth, and so
30 on?



1 A. Yes.

2 Q. You recommend that the Canada Shipping
3 Act, more particularly the section dealing with pilotage,
4 sections 328, 329 and 330, which deal with the powers of
5 Pilotage Authorities, be studied with a view toward the
6 possible required amendments.

7 Taking that as it sits, what is it you are
8 thinking of as desirable to add to it?

9 A. To establish the competency required by
10 pilotage authorities. We have no fault, nor can find any
11 fault, with the sections as outlined. We believe, and I
12 believe that the pilots would agree or any group of pilots
13 would agree, that there must be means of appeal or adjudica-
14 tion. We feel that there must be some consideration given
15 to the adequacy of authorities as well as the adequacy of
16 pilots.

17 Q. That is some disinterested body to appeal
18 to?

19 A. Well, the establishment of one.

20 Q. You are not referring to the actual
21 qualifications of the pilots?

22 A. No.

23 Q. You say further down, following on the
24 part we have just dealt with:

25 "Further we would recommend that the New
26 "Westminster Pilotage District be merged with
27 "the British Columbia District and administered
28 "by a central Pilotage Authority."

29 Why, Captain Dennis, do you recommend or
30 does the Company recommend that merging be recommended?



1 A. Well, for this reason, that basically our
2 reason is for the elimination of duplication of services
3 and their resultant added cost. It is our contention,
4 rightly or wrongly, that as it now stands, geographically
5 or otherwise, there are two Districts, and the laws say
6 that pilots cannot traverse from one point to another and
7 continue in the service of the vessel. Therefore the only
8 means by which this can be erased is the eradication of
9 one District.

10 Q. You are recommending that the Commission
11 look into that means?

12 A. We recommend a body more competent than
13 we are.

14 THE CHAIRMAN: Could you look into the procedure?
15 You were a pilot yourself, Captain. What is the procedure
16 being followed now in the case of ships leaving from New
17 Westminster to go to Vancouver with regard to the boarding
18 of pilots? Would the two pilots board the ship on the
19 wharf in New Westminster here or only the New Westminster
20 pilot?

21 THE WITNESS: I wouldn't know, sir. I left the
22 service in February, 1957. I do not know the procedure
23 followed at the present time.

24 THE CHAIRMAN: Because I know the Vancouver
25 pilot will have to continue to New Westminster, either he
26 will board the ship or the pilot boat at New Westminster
27 because the same boat is being used for both.

28 THE WITNESS: Yes.

29 THE CHAIRMAN: Anyway, will you look into that
30 later on?



1 THE WITNESS: Yes.

2 Q. Going on to (b) on this same page,
3 paragraph 2.1(b), it is stated here:

4 "that any further development of water-borne
5 "trade or shipping is almost impossible until
6 "a safe ship channel of adequate width and depth
7 "is achieved and maintained."

8 Now, this may appear an odd question, but
9 I want the Commission to have all the information. Would
10 you state exactly why you make that statement, that this
11 port cannot be further developed without improvements on
12 the shipping channel?

13 A. Well, here, my lord, we must refer you
14 again to the premise upon which we filed the brief. We
15 did believe that it was within the compass of your work
16 and our ability or responsibility to file before you a
17 matter which dealt with the development of shipping and
18 commerce. We were not sure of our right in this regard,
19 but we feel it did have to do with the development of
20 shipping and commerce and of the interests of the public
21 and others, and we took the step with this knowledge. We
22 did know that there were questions coming before you with
23 regard to the safe passage of a certain type of vessel
24 into a certain area and through certain channels, and we
25 believed this to be a very serious question and one which
26 required solution if the trade within the area was to
27 develop in fact. For this reason and upon certain
28 knowledge which I had, I went back in time some several
29 years to a similar problem on the St. Lawrence River where
30 the people interested in trading into that area did, in



1 fact, have a similar problem.

2 That of endeavouring to establish the works,
3 channels, or facilities which were required to service a
4 particular size, design and type of vessel. The problem
5 was an acute one, and had to do with the then proposed
6 design of the post-war passenger ships, which were to
7 trade into the St. Lawrence River in the North Atlantic
8 passenger trade.

9 There were questions of safety in navigation,
10 depth of river channels, the length of docks, and so on,
11 and the question became so acute that the Government of the
12 day, or rather the Minister of the day, did in fact set
13 up a tripartite committee to deal with this matter. The
14 committee was composed of representatives of the Depart-
15 ments of Transport and Public Works, ship-owners, pilotage
16 groups, and was named as, and appointed as the 1946 St.
17 Lawrence Ship Channel Committee. The reason we cite this
18 is that we believe in this sense there is a parallel, and
19 we believe further that the work of that Committee was so
20 commendable as to be of value in any consideration of the
21 problem of the Fraser River.

22 The responsibility of the St. Lawrence Ship
23 Channel Committee 1946 was to establish, to study, and to
24 recommend the widths, depths, and other navigational aids
25 necessary to satisfactorily and efficiently service this
26 particular type of passenger vessel. The work of the
27 committee I believe individually and personally, sir, was
28 to be commended, and further to be commended was the action
29 by the various governmental bodies which followed those
30 recommendations, and did in fact bring into being a channel



1 in the St. Lawrence River adequate for all ship require-
2 ments at present and in the foreseeable future.

3 We recommend, sir, that consideration be given
4 to a similar type of study.

5 Q. Thank you Captain. What you have just
6 brought out is tied in with the last two pages of the
7 company's brief so we won't deal too much further with
8 that, except I think it might be of advantage to find
9 points of similarity, if there are such, between the St.
10 Lawrence situation and that of our local lower river
11 situation. Could you assist in that respect, Captain?

12 A. In this respect there have been requests,
13 or statements made by groups of varying competency as to
14 the width of channel requirements, the depths required,
15 the widths on tangents and on curves, the lighted aids
16 which may be from time to time required, and the solution
17 of the problem has not yet been achieved with any degree
18 of perfection or suitability.

19 Time is going on, and trade will either develop
20 or diminish, according to the facilities of any port, or
21 any area. Time is of the essence in this regard we contend,
22 my lord, inasmuch as trades can move, whereas areas cannot.
23 If ship-owners can't trade successfully in one area, they
24 move to another, whereas the areas concerned, the cities,
25 and sometimes the ports, are on occasion left to wither
26 and decay as a result. We would not wish this to be the
27 case here.

28 Q. Thank you Captain. Obviously you con-
29 sider the present channel inadequate in the lower Fraser
30 River. Can you just tell me either why it is inadequate,



1 or why you consider it inadequate?

2 A. For one thing there is a controlling
3 draught on the river that will not allow vessels to load
4 to their required depths. This means a loss of tonnage
5 to the port of New Westminster. In some cases vessels
6 can't arrive because of depth, or can't leave because of
7 the tidal depth, and this we believe can be improved.

8 Q. This problem would be rectified by an
9 increase in the depth of the channel?

10 A. Yes.

11 Q. Have you any idea roughly to what depth
12 it would be necessary to dredge?

13 A. Well, this would depend upon the trade
14 required and might be as much as draughts of 30 feet at
15 the present time.

16 Q. Are you thinking of the area from Fraser
17 Mills to the mouth of the river, or the harbour proper
18 of New Westminster, or both?

19 A. Well, both areas are in the harbour proper,
20 and I would say that the entire matter should take in all
21 areas of the workable harbour.

22 Q. In other words, you think that a
23 substantially deeper channel ought to be available from
24 Fraser Mills right to the mouth of the river, for all
25 traffic in this area?

26 A. Deeper and wider, and in the result safer.

27 Q. You refer in this connection to the pre-
28 sent trend, and design size, and loaded draught of
29 shipping. What have you to say about the trend of the
30 size of ships and loaded draught?



1 A. I believe there can be only one answer
2 to that. The trend is to larger vessels, because of their
3 economy and efficiency in carriage.

4 Q. Do larger vessels have necessarily greater
5 draught?

6 A. To some extent a greater draught, but not
7 necessarily in proportion to the size of the vessels.

8 THE CHAIRMAN: In other words, with that trend
9 either the port of New Westminster is improved or it is
10 going to be out of business?

11 THE WITNESS: Indeed sir.

12 Q. You have referred, Captain, to some
13 navigational hazards, some of which have already been
14 referred to, gill-net fishing vessels, submarine pipe
15 and cable crossings, bridges and other structures,
16 existing and projected. Bridges, I think, we need not
17 refer to. Would you be kind enough to enlighten myself
18 and the Commission as to the submarine pipe and cable
19 crossings to which you refer, and in what way they
20 presently constitute a hazard?

21 A. Well, of late years, possibly within the
22 last 15 years in the Fraser River there has been added
23 hazards, such as numerous submarine pipe and cable
24 crossings. These crossings restrict the movement of
25 vessels, inasmuch as they restrict the anchorages.

26 Q. Are these submarine pipe and cable crossings
27 of considerable frequency, Captain, and are they in the
28 anchorage areas?

29 A. Some of them, yes sir. There has been the
30 Deas Island Tunnel, the cable crossings, and the Trans-



1 Mountain Pipelines, which have been built since the war,
2 the gaslines, water mains, and other structures.

3 Q. I am instructed, Captain, that these
4 particular hazards appear on at least one or two of the
5 charts which are already entered as exhibits, so that
6 information will be available readily to the Commission,
7 and I will not deal further with it.

8 MR. JACQUES: I didn't say that to prevent you
9 getting evidence on this point, but you may wish to
10 indicate these charts if you wish.

11 THE WITNESS: Yes, my lord. These are documented
12 locations.

13 Q. The fact of the matter is that they do
14 interfere with anchorages and the general passage of
15 shipping?

16 A. Yes.

17 Q. You have dealt with the St. Lawrence
18 situation, Captain. I understand that you have informed
19 yourself on this, and I am not going to deal further with
20 that at this time?

21 A. I do have a personal copy of the Report
22 of the St. Lawrence Ship Channel Committee here, from
23 which publication I gained the necessary information.

24 Q. Is there something else that you would
25 like to add to that, Captain?

26 A. No sir. With regard to a previous
27 question, I would like to merely add one statement. That
28 we believe that in the development of a waterway, or the
29 development -- yes, the development of a waterway, that
30 the safety of navigation should be paramount, and we feel



1 that in some cases that premier position of the safety
2 of navigation has in fact, and to a degree, been compromised.

3 Q. In other words, Captain, your whole
4 contention, and the contention of the company, is, as my
5 lord has put it, that without a growth of the capacity
6 for shipping into this port the growth itself would suffer
7 and possibly strangle, if there is not additional
8 facilities?

9 A. Indeed sir.

10 CROSS-EXAMINATION BY MR. JACQUES:

11
12 Q. Sir, you have mentioned that safety of
13 navigation was compromised. Would you care to enlarge
14 on this point please?

15 A. We have stated within our brief, Mr.
16 Jacques, that: "In addition, such navigational hazards
17 as gill-net fishing vessels, submarine pipe and cable
18 crossings, bridges and other structures, existing and
19 projected, should be closely scrutinized and controlled
20 in the light of shipping requirements", and that in this
21 regard the safety of navigation should always be paramount.

22 Q. I see, and this aspect to which you refer
23 as safety of navigation is that contained in your brief,
24 nothing else?

25 A. Yes, sir.

26 Q. I understand from your evidence that you
27 have been master of ships, that you have been a pilot on
28 the Fraser River, and that you have considerable sea
29 experience. I should like to know whether you consider
30 that pilotage on the Fraser River exists merely for the



1 convenience of some ship-owners, or some foreign ships,
2 or out of sheer necessity for the safety of navigation?

3 A. I believe sir that that can be answered
4 fairly in this manner. That the service has in fact been
5 existent for many years. Pilotage has not been compulsory
6 on the river, and yet I know personally of no instance
7 where ship-owners have not sought the services of the
8 pilots. To this degree, and to this extent, sir, I would
9 say that it is necessary.

10 Q. Would you consider it possible and safe
11 to allow the masters of vessels plying regularly into
12 New Westminster, either foreign-going ships or coastwise
13 vessels, I don't mind, to do their own pilotage?

14 A. Under the Act they are able to do this
15 now, sir.

16 Q. I understand that coastwise vessels are
17 able to do that, but that foreign-going ships are not?

18 MR. LANGLOIS: Yes they are.

19 THE WITNESS: It is my understanding of the Act
20 that only the payment of pilotage fees is compulsory.

21 Q. Quite, but if one were to remove the
22 compulsory payment, would you think the river would be
23 safe if an authority were to grant licences to masters
24 trading into the port on certain conditions, say for
25 instance that they make so many trips per year?

26 A. Well, I would prefer not to answer this
27 question in the yes or no since, sir, in all honesty and
28 fairness ---

29 Q. Qualify it as you wish?

30 A. But I would say this, that in ports of



1 restricted entrance and narrowness of entrance channels,
2 one casualty, or one grounding can bring to a complete
3 stop all traffic and trade within a port. Not all ports
4 are so restricted in their entrance, but it imposes the
5 possibility of one misfortune completely bringing to a
6 complete standstill all trade within the port. I think
7 this is undesirable and should be guarded against sir.

8 Q. Do I take it then that you consider the
9 Fraser River a place where the handling of ships is
10 extremely difficult, and should not be left to anyone to
11 do?

12 A. I would say sir that the problems here
13 do require some specialized knowledge, and this is necessary
14 for the good of all.

15 Q. Do you consider that the specialized
16 knowledge necessary to safely navigate the Fraser
17 River can only be obtained and maintained by people
18 plying between Sand Heads and the bridge all their lives?

19 A. Certainly sir I would say that there are
20 problems here which do not to any degree obtain elsewhere,
21 although within the same breath I must admit that there
22 are certain basic problems which occur in any port, or
23 restricted waters.

24 Q. Do you think that the experience necessary
25 to safely navigate up and down the Fraser River could be
26 gained in a relatively short period of time?

27 A. A relatively short period of time?

28 Q. You have been on the river, you have been
29 a pilot. How long did it take you to become familiar
30 enough with the river so that you could feel safe going up



1 the river with a ship? Six months, six years?

2 A. Well sir, in all fairness I have come to
3 the stage where I wish I knew more about the river and
4 the river currents. I think that they do change. There
5 are problems, and they are not always the same problems.
6 I think that in all fairness you must have a complete
7 application to duty to do a job well, and that you must
8 not veer to any great degree away from the study, or the
9 continued study of these problems if you are to continue to
10 do the job well.

11 Q. Sir, before becoming a pilot did you ply
12 on the Fraser River?

13 A. Yes.

14 Q. In what capacity?

15 A. I was in charge of a vessel for the
16 Department of Public Works for the maintenance, surveying,
17 and dredging of river channels.

18 Q. Did you do your own piloting then?

19 A. Yes.

20 Q. The first time you came up river did you
21 come up on your own?

22 A. Well, I was Chief Officer for a number of
23 years before I was master.

24 Q. How long were you Chief Officer before
25 you became master?

26 A. Some four years.

27 Q. While you were chief officer did you do
28 any piloting on the Fraser River?

29 A. Yes, after a time I did.

30 Q. After how long?



1 A. After about eighteen months.

2 Q. Thank you. That is all I wanted to find
3 out. It took a long time.

4 A. It did sir. I am sorry.

5 Q. Now sir, if nobody minds we will come back
6 to the Railway Bridge. I am like the pilots. I have
7 been mesmerized by that bridge. Have you sat through the
8 hearings here?

9 A. Not all of them sir.

10 Q. Well, I will try to sum up what evidence
11 we have received, and if I am wrong I am sure somebody
12 will correct me, particularly from that end of the
13 courtroom.

14 THE CHAIRMAN: They have the local knowledge
15 there.

16 Q. It is roughly this, that going through
17 the bridge that a ship larger say than 375 feet, or say
18 400, with a bridge aft, is dangerous, and I think every-
19 body is agreed on that?

20 A. I suppose they are by this time, sir,
21 yes.

22 Q. Do you agree with that?

23 A. Yes, indeed I do.

24 Q. What I should like to know is your opinion
25 whether it is so dangerous that ships should not go up
26 at all? In other words, that risking going through the
27 bridge is not worthwhile going up there to get lumber?

28 A. Well, many do go up sir.

29 Q. I am talking about large ships now, mind
30 you, anything below 375 feet is no problem. Everybody



1 agrees that they should go up, and they do in fact go
2 up, but I am talking about larger vessels?

3 A. Larger vessels do in fact go up.

4 Q. Bridge aft?

5 A. Bridge aft.

6 MR. MONROE: My lord, excuse me, but I would
7 suggest that it is not quite proper that Captain Dennis
8 be cross-examined on evidence which was not in either
9 his direct, nor in his brief. If your lordship rules
10 otherwise, that will be fine, but I wish to register that.

11 THE CHAIRMAN: Well, I don't want to have Captain
12 Dennis put into an unfair position there, but he has some
13 ideas, and it might be quite interesting for the Commission
14 to have his personal knowledge, or his personal opinion
15 about these matters, but if he wishes to refrain, or if
16 he is not sure about the answer, well he has only to say
17 so. He is competent there.

18 MR. JACQUES: My lord, the reason I asked the
19 question is that we have a man here in the witness box
20 who has had deep sea experience, who has been a pilot in
21 the Fraser River, and who also now sees things from the
22 other end of the picture. That is why I asked him the
23 question.

24 MR. LANGLOIS: My lord, my learned friend has
25 asked the witness as to whether or not it was dangerous
26 to take a bridge-aft ship through the bridge. The answer
27 was yes. Now he is asking if it is dangerous enough not
28 to go up there. He may as well ask him if he likes to
29 live dangerously. Some of us do.

30 THE CHAIRMAN: It is certainly dangerous to



1 travel on the Fraser River. That is why we have pilots
2 you see. So this goes a little further, as to whether
3 it is so dangerous that even skilled persons can't bring
4 a ship up there. So I think we are interested. There is
5 a slight difference there, and I would like to know. Go
6 ahead.

7 THE WITNESS: My lord, I do not wish to impede
8 the progress of the Commission. I would like to say this,
9 sir, that I do not know of the problem. I have not any
10 personal knowledge of the problems of taking a large,
11 bridge-aft ship through the bridge, other than the knowledge
12 gained prior to February 1, 1957. I have heard competent,
13 technical men state there are problems with this particu-
14 lar type of ship. I must in all fairness to them, and to
15 myself, accept their statement that they do in fact
16 consider this exceedingly dangerous.

17 Q. So then I take it that the regulations
18 prohibiting, or rather the recommendation to the effect
19 that bridge-aft ships over 375 feet in length should not
20 be allowed through New Westminster Railway Bridge ---

21 A. In answer to that sir I would say that
22 the Pilotage Authority, which has under Section 9 of the
23 by-laws the right to decide, has not in fact decided
24 otherwise. The Harbour Commissioners, who are the regula-
25 tory body of all vessels within the harbour, I know of
26 no regulations which would be contrary to the recommenda-
27 tions which are presently being applied.

28 Q. I am asking your opinion on this regula-
29 tion. I am not asking you whether it was approved by
30 so and so or whether it was adopted by so and so. I am



1 just asking you whether it is a sound regulation from a
2 ship-owner's point of view or a pilot's point of view?

3 A. I think to form an opinion one must have
4 some basic knowledge of the problem.

5 Q. And you haven't any?

6 A. And I cannot say that I have any knowledge
7 of the problem of taking a large bridge-aft ship through
8 this bridge.

9 MR. JACQUES: Well sir, I will say this. Your
10 answer is the answer of the wise man "I don't know the
11 facts and I refuse to pass an opinion on it", and on this
12 answer I must congratulate you, because I wish sometimes
13 that other people would do the same thing.

14
15 ---A short recess.

16
17 THE CHAIRMAN: Gentlemen, I don't want to
18 hasten you to any extent; don't misinterpret me on that.
19 I wish you to have all the opportunity to bring all the
20 evidence and all the facts and all the points, and so on.
21 We are here for that purpose, and we are going to stay as
22 long as is necessary. But, on the other hand, we have
23 a schedule, and we would like if at all possible to leave
24 for some inspections on Sunday, Monday and Tuesday. So
25 if at all possible we would like to finish the New
26 Westminster and the Vancouver hearings this week. That
27 means that we would like to finish New Westminster today,
28 even if it means working tonight, and it will be the
29 same thing for Vancouver. The place of sitting in
30 Vancouver will be at the same place, tomorrow morning it



1 will be at the Citizenship Court, and we will sit there
2 tomorrow morning and tomorrow afternoon and, if necessary,
3 tomorrow night. If not, we will resume on Monday, but
4 if it is at all possible to finish at night and finish
5 here tonight, we would appreciate it.

6 MR. BIRD: I just have a few questions, my
7 lord.

8
9 CROSS-EXAMINATION BY MR. BIRD:

10 Q. You spoke of the duplication of the
11 pilotage charges and the deterrent it has had and would
12 continue to have on the port of New Westminster. Have
13 you determined where this duplication exists? Is it on
14 the tonnage and draught?

15 A. I would say not a specific disparity
16 there, except that there are differences in the tariff,
17 it is true. But I would say the doubling up of the charges.

18 Q. I would refer you to the New Westminster
19 Pilotage District By-laws, P.C. 1961-1740, in the Schedule,
20 Section 1, sub-section (1)(a), which reads:

21 "for piloting a vessel inward or outward of the
22 "District, \$2.60 per foot draught plus 1.3 cents
23 "per ton; and in any case shall not be less
24 "than \$32.50."

25 So in the pilotage charges for New
26 Westminster the pilotage charges do not take into account
27 mileage?

28 A. No.

29 Q. But in the pilotage charges for the
30 British Columbia Pilotage District, in the Schedule, sub-



1 section (1)(a), the rate is one-half cent per ton and one
2 dollar per foot draught, and (b) eighty-two cents per
3 mile of distance?

4 A. Yes.

5 Q. So if these Districts were combined, would
6 you not then avoid the additional charge for tonnage and
7 draught with respect to the river passage?

8 A. Yes, sir.

9 Q. Now, are you able to express an opinion
10 to the Commission as to whether the pilots in the British
11 Columbia District, that is the British Columbia Pilotage
12 District, would be competent to conduct vessels up the
13 river and vice versa?

14 A. I would not be able to state, sir.

15 Q. Did you consider that aspect when you made
16 this recommendation, when you recommended that these two
17 should be merged?

18 A. We considered it in the reverse direction,
19 if you will, sir. We asked ourselves whether or not, if
20 such amalgamation were to occur, the Fraser River pilots
21 could move a vessel, take a ship out and take her into
22 Vancouver. We felt with their skill and competency that
23 they could. Or, likewise, to bring a ship to New Westminster
24 from Vancouver.

25 Q. Did you give any consideration on the
26 question that any particular pilotage district should be
27 self-supporting in itself?

28 A. We did not, sir.

29 MR. BIRD: Thank you.



1 CROSS-EXAMINATION BY MR. LANGLOIS:

2 Q. Captain Dennis, a few questions.

3 First, I see from your letterhead, which is the
4 introduction to your brief to the Commission, that your
5 company is described as an operator of deep sea terminal
6 docks and warehouses, cold storage, ice and customs
7 freezing. Am I to assume that you do not either own
8 vessels or charter vessels?

9 A. That is correct.

10 Q. Do you act as shipping agents?

11 A. No, sir.

12 Q. Now, on page 3, part 1, paragraph 1.2,
13 this figure of \$240 which you give there in the last
14 paragraph on that page, that includes the pilotage in and
15 out and boat charges?

16 A. Yes, indeed, sir, the total charges,
17 given to me by Mr. Warren.

18 Q. Coming back to the addendum to your brief,
19 which is Exhibit 188, do you have it in front of you?

20 A. Yes, sir.

21 Q. Assuming that the two districts were
22 merged, is it not a fact that in the case of the third
23 example which you give there, pilotage Vancouver to
24 New Westminster and return to Vancouver, I see from this
25 that the charge paid for the Vancouver pilotage is \$171.22,
26 whilst the charge for the pilotage on the Fraser River
27 is \$278.16? Assuming that a merger were to take place,
28 is it not a fact that consideration will have to be given
29 to paying the Vancouver pilots travelling time and
30 travelling expenses to go from New Westminster to Vancouver



1 to pick up a ship and then expenses the other way around?

2 Is that what you have in mind?

3 A. This would be a matter for the considera-
4 tion of the Authority, sir.

5 Q. There would be additional expenses there?

6 A. It may be, it may not be. It would have
7 to be resolved.

8 THE CHAIRMAN: Did you mention boat charges
9 there?

10 MR. LANGLOIS: Pilot boat, sir.

11 THE CHAIRMAN: I was wondering whether there
12 would be any boat charge leaving from Vancouver, that the
13 two pilots would board at Vancouver and disembark at
14 New Westminster.

15 MR. LANGLOIS: That is the way it is done.

16 THE CHAIRMAN: So they won't board at the same
17 time and they won't disembark at the same time?

18 MR. LANGLOIS: That is right.

19 Q. Should this merging take place, the pilot
20 boat would have to remain at Sand Heads?

21 A. Yes, we can see the continuing need for
22 a pilot boat to be there.

23 THE CHAIRMAN: But I am just wondering about
24 the trip to New Westminster from Vancouver, because if the
25 Vancouver pilot disembarked at Sand Heads, he would have
26 to come here because it may be faster. In any event,
27 they both have to come to New Westminster; there is no
28 other place he could land.

29 Q. But as it is, the Vancouver pilot leaves
30 the ship at Sand Heads, when the ship comes up the Fraser



1 River?

2 A. I know nothing about the conditions pre-
3 vailing at the present time, sir.

4 MR. JACQUES: Perhaps Captain Eddy could tell
5 us the procedure which is followed normally when a ship
6 comes from Vancouver to New Westminster or vice versa.

7 CAPT. EDDY: The Pilotage Authority attends to
8 all charges on the river. The B.C. pilot would board
9 there with the New Westminster pilot if there is an
10 emergency. The B. C. pilot just gets off there and goes
11 ashore. The charges are made by the New Westminster
12 Pilotage Authority.

13 MR. LANGLOIS: Thank you, Captain. That is all.

14 COMMISSIONER SMITH: If your lordship pleases,
15 there are two or three short questions I would like to ask
16 the witness.

17 BY COMMISSIONER SMITH:
18

19 Q. The charts show the depth of water in
20 feet or fathoms, as the case may be, and you made reference
21 to controlling depths. Does that mean something
22 different to the depth as indicated on the charts?

23 A. Mr. Commissioner, the recommendations of
24 the New Westminster Pilotage Authority are that the
25 controlling draught on the river -- and I believe it was
26 mentioned in testimony by one of the others -- shall be
27 28 feet 6 inches, and I believe that is the controlling
28 draught on the river under any tidal conditions in excess
29 of that also. It was in that sense that the term was
30 used, controlling draught. Possibly there was some tonnage



1 lost to Vancouver by reason of the fact that they must
2 stop at Vancouver.

3 Q. You also referred to a merger of the two
4 Districts. The Vancouver District is administered
5 differently to what it is here. You made some reference
6 to the Authority here as being non-technical men. Would
7 it solve any problems or remedy any situation if the
8 Pilotage Authority here were changed from its present
9 status and put under the Minister, the same as Vancouver.

10 A. We would believe that to be a step in
11 the right direction, sir, yes.

12 Q. Would that solve most of the technical
13 problems?

14 A. Well, we believe, sir, there could be no
15 question as to the competency of the Authority.

16 Q. I wouldn't want to disagree with you on
17 that.

18 There is just one other short question, and I
19 think it was covered by Mr. Jacques. Safety in naviga-
20 tion is paramount, and in the terms of reference of this
21 Commission safety in navigation is the number one state-
22 ment in the Order-in-Council.

23 Now, safety in navigation in this number one
24 sense, as I understand it, is the expert navigational
25 ability of those who operate the ships, which would be
26 the pilots. Would you agree that the number one element
27 in safety of navigation is pilotage?

28 A. Yes, I would say it is.

29 COMMISSIONER SMITH: Thank you.

30 THE CHAIRMAN: Any further questions?



1 MR. LEGG: No questions.

2 MR. HUNTER: No questions.

3 MR. LEGG: My lord, I take it that it is now
4 in order to present Crown Zellerbach's brief.

5 THE CHAIRMAN: Yes.

6 MR. LEGG: It is Exhibit 165, my lord.

7 Before calling any evidence, I would like to
8 correct one or two minor errors in the brief. At page
9 4, my lord, paragraph 13, there is a statement there that
10 "The spring freshet occurs generally during the month of
11 May through July at which time deep sea ships are not
12 available to the Port of Fraser Mills." There should be
13 added after the words "Fraser Mills" the words "when the
14 gauge at Mission reads 20 feet or more." I am reading
15 from the bottom of page 4, paragraph 13 of our brief.

16 And at page 10, paragraph 23, sub-clause 5, the
17 present text reads: "Maximum draft outbound from Fraser
18 Mills shall be 25 feet." I am informed that that ruling
19 was changed on the 6th of February, 1963, and now reads
20 24 feet.

21 I now turn to Exhibit 1, and this exhibit is a
22 statement showing the trend of lumber exports between
23 direct ship loadings at Fraser Mills, B.C., dock and scow
24 loadings from Fraser Mills. Column 6 and the last figure
25 in that column for the year 1962 presently reads .5. That
26 is a typographical error. That should read 10.5.

27 On Exhibit 4 there is a reference to the vessel
28 the Dorothy Ann, which was referred to in the evidence.
29 The dimensions of the vessel in column 8 are not correctly
30 stated or they have an error which is misleading in the



1 dimensions, because the dimension of 472 feet 4 inches
2 is a dimension between the masts. The actual dimension
3 of the vessel, I am instructed, is 504 feet 3½ inches,
4 as set out in Exhibit 3 where the same vessels is
5 described.

6 Now, my lord, I do not intend to take the time
7 of the Commission to read the recommendations or to cover
8 points which have been established or covered in the
9 evidence or submitted to the Commission, but there are
10 some points which still require to be covered and which
11 have not been covered yet, and I would ask Captain James
12 Taylor to come to the witness box to cover certain matters
13 dealing with navigation of scows through the Railway
14 Bridge.

15
16 SUBMISSION OF
17 CROWN ZELLERBACH BUILDING MATERIALS LIMITED

18
19 JAMES ALFRED TAYLOR, Sworn

20 THE SECRETARY: What is your address?

21 THE WITNESS: 12426 103rd Avenue, North Surrey.

22 THE SECRETARY: Occupation?

23 THE WITNESS: Tugboat master.

24 THE SECRETARY: Age?

25 THE WITNESS: 47.

26 DIRECT EXAMINATION BY MR. LEGG:

27
28 Q. I hand you your own copy of Exhibit 165.

29 One general question, Captain. Have you
30 familiarized yourself with the brief? I understand you



1 are not the author of it, but have you familiarized
2 yourself with the contents of the brief?

3 A. Yes.

4 Q. And do you agree with these contents and
5 recommendations?

6 A. I do.

7 Q. You are a home trade tugboat master?

8 A. That is correct.

9 Q. You are employed by Canadian Tugboats
10 Company Limited?

11 A. Yes.

12 Q. And that is a subsidiary of Crown
13 Zellerbach Building Materials Limited?

14 A. Yes.

15 Q. And you have been employed by that company
16 for in excess of 15 years?

17 A. That is right.

18 Q. And you are the senior captain of this
19 company?

20 A. That is right.

21 Q. And what particular qualifications or
22 experience did you have with the Canadian Navy during the
23 last World War which have to do with your qualifications
24 relevant to this Commission?

25 A. I was a navigating officer during the
26 war.

27 Q. And in that connection did you have
28 responsibility for navigating ships at sea, that is deep
29 sea?

30 A. I had, yes.



1 Q. And when did you receive your certificate
2 as a home trade tugboat master?

3 A. In 1939.

4 Q. So you were employed as a home trade
5 tugboat master immediately before the war?

6 A. Yes.

7 Q. I take it you are familiar with the
8 Railway Bridge which has been discussed in evidence here?

9 A. Yes, I am.

10 Q. With regard to the towing of barges or
11 hulks through that Railway Bridge, would you describe any
12 particular problems which exist in navigating that
13 bridge?

14 A. Yes. Due to the narrow draw and the
15 turbulence at the bridge, it is necessary to tow these
16 barges through at slack water and in daylight hours so
17 we can get a proper line-up for the bridge, due to that
18 restriction.

19 Q. Are there any particular difficulties at
20 the time of the freshet?

21 A. Yes, the difficulty increases there; and
22 through having accidents at the bridge we have found the
23 only safe method of taking barges outbound through the
24 bridge is to drop them down stern first.

25 Q. Would you explain what you mean by that
26 last expression, drop the barges down stern first? Would
27 you please elaborate on that expression, and if you would
28 turn to Exhibit 10 of the brief, part of exhibit 165.

29 Unfortunately, we didn't have a sufficient
30 supply of all the photographs to illustrate the brief.



1 Now, we were referring, Captain Taylor, to the
2 dropping through of the barges, and you have in front of
3 you part of Exhibit 165, Exhibit 10, which is a series
4 of eight photographs?

5 A. Yes.

6 Q. Firstly, were you on board any of the
7 vessels shown in the photographs?

8 A. I was in command of this tug.

9 Q. And what is the tug towing, as illustrated
10 in photograph number one?

11 A. This is one of our hulks loaded with
12 chips that has come from Fraser Mills and has been dropped
13 down. ---

14 Q. Incidentally, you were present here on
15 Monday when reference was made to a hulk, or barge, or
16 scow at Fraser Mills?

17 A. That is right, yes.

18 Q. His lordship asked for dimensions of that
19 vessel and a description of it. Is this the type of vessel
20 we are talking about in the photograph?

21 A. That is right.

22 Q. Would you please tell the Commission
23 what procedure you are following, with reference to the
24 photograph?

25 A. First of all I was going to mention that
26 to get to this position in photograph 1 we had left the
27 mill and crossed the Sapperton Dike, and had come down
28 stern first to this position near the bridge. As you
29 see, there is a large tug ahead and a small vessel pulling
30 here to get the vessel into the span opening.



1 Q. There is a large tug upstream of the
2 chip scow in photograph number one?

3 A. That is right, and the horsepower of this
4 tug, I am not exactly sure whether this is a 12 or 1600
5 horsepower tug, but it is either the "Mary Mackin" or the
6 "Florence Filberg".

7 Q. Would you go on to photograph number two?

8 A. Here now you can see we are a little
9 closer to the south draw of the bridge.

10 Q. Incidentally, how many tugs are you
11 employing for this procedure?

12 A. This would be depending on the freshet
13 time.

14 Q. But in this particular photograph?

15 A. Two assisting tugs, besides the large
16 tug.

17 Q. And what exactly is happening in photograph
18 number two?

19 A. In photograph number two, as you can see,
20 due to the set of this tide that has been discussed here
21 much, the barge is inclined to set to the north.

22 Q. And which side of the photograph is that?

23 A. That is the lefthand side of the photo-
24 graph. As you will notice, the tug upstream, the main
25 tug, is not pulling over to starboard on account of the
26 small tug on the stern of the barge is trying to get his
27 end over into the draw. We are dropping down all the time
28 towards the bridge.

29 Q. What is the purpose of the tug on the
30 north side of the chip scow?



1 A. He is standing by in case he has to push
2 over to the south side of the river.

3 Q. On photograph number three the chip scow
4 is shown ---

5 A. Has entered the bridge.

6 Q. Is there any further comment necessary
7 on photograph number three? "

8 A. No, I don't think so actually. I can
9 see that she is in the hole, so to speak, and all is going
10 well.

11 Q. What does photograph number four
12 illustrate?

13 A. Now the barge has passed the Railway
14 Bridge, and is just about in the opening of the Pattullo
15 Bridge, and the tug, it is the "Mary Mackin" by the way,
16 is in the draw of the Railway Bridge.

17 Q. So that the tug in tow is proceeding in
18 the opposite direction to the pointing of the vessels in
19 photograph number four?

20 A. They are going stern first.

21 Q. Photograph number five merely illustrates
22 the further position of that tug?

23 A. That is right, and photograph number six
24 the same thing.

25 Q. Turning now to photographs seven and
26 eight?

27 A. In photograph number seven now we are down
28 clear of the bridge, and they show the tug turning and
29 turning the barge, and then as it follows in photograph
30 number seven she has turned ahead of the barge and will



1 proceed outbound from there.

2 Q. Captain Taylor, what have you to say on
3 this point? If the width of the bridge were widened, could
4 this procedure be avoided?

5 A. Oh, definitely sir, yes.

6 Q. If the bridge were widened to 250 feet,
7 could this procedure be avoided?

8 A. It could be, yes.

9 Q. In your experience in using this procedure,
10 which you have talked of, generally speaking over the
11 last five years, during what period each year has it been
12 necessary to follow this procedure?

13 A. Well, actually there has been some years
14 in the last five years when we started in April, but most
15 of the time it is started in, oh, the first ten days of
16 May, and continued through into August.

17 Q. What in your view is the main problem
18 with the bridge, so far as tug and tow traffic is
19 concerned during the period of non-freshet?

20 A. Well, the main problem is the restriction,
21 having this swing span in the bridge causing this
22 turbulence and also the narrowness.

23 Q. Let us use the scow shown in the photo-
24 graphs. What are the dimensions of the scow, and what
25 are the clearances when going through the bridge?

26 A. Well, actually I give the average of
27 43 feet. This is the largest one, which is 47 feet wide,
28 so that would give you approximately 63 feet, no, a little
29 less than that, 60 feet in the south draw on either side
30 of the barge, provided she was in the middle.



1 Q. Will you turn to photograph, Exhibit 9 in
2 the brief, Captain. This photograph of course depicts
3 the Sapperton Channel and the Port Mann Channel. Can you
4 see from looking at the photograph what particular water
5 conditions are shown there?

6 A. Well, it would appear that the river is
7 in freshet at this time.

8 Q. Can you describe by illustrating your
9 remarks from the photograph what type of water conditions
10 are experienced at the bridge, or above the bridge and
11 through the bridge?

12 A. Well, as you can see, like all this current
13 is setting over towards the north shore, which is quite
14 clear here in this photograph. So henceforth all this
15 set is going across to the north side, causing a set in
16 the centre span of the bridge.

17 Q. Captain, you are familiar with the rule
18 of the road that is followed by vessels proceeding through
19 the bridge, and it has already been given in evidence
20 that they keep to the right hand?

21 A. Yes.

22 Q. Can you express an opinion of what effect,
23 if any, the bridge has had upon the origin of that rule
24 of the road?

25 A. Well, I would think the bridge is, I
26 would say wholly responsible for this departure from the
27 rule of the road, due to the angle of the swing span to
28 the river for ships entering the Sapperton Channel it is
29 quite normal to them that they can come through with any
30 kind of tide and go through the other side and enter the



1 Sapperton Channel for a ship going to Fraser Mills.

2 Q. Does paragraph 9 accurately describe the
3 movements of the vessel from your experience in going
4 through the Fraser Bridge?

5 A. That is correct, yes.

6 Q. You have mentioned, Captain, that one of
7 the difficulties in navigating tugs and tows through the
8 bridge is the necessity of waiting for slack water?

9 A. Yes.

10 Q. In your experience can you say if this
11 entails time lost?

12 A. It certainly does.

13 Q. What sort of time lost?

14 A. It could mean actually a loss of 24 hours,
15 if there were no slack tide in the day or no actual high
16 water in daylight hours.

17 Q. And what, if anything, can be done to
18 the bridge to remove this difficulty?

19 A. Well, if this swing span were removed
20 and a lift span put in, I would say that all these things
21 could be removed.

22 Q. Captain, in the course of your duties I
23 understand that you are taking chip scows and logs or --
24 correction. Scows loaded with chips and scows loaded
25 with logs through the Railway Bridge?

26 A. Yes.

27 Q. From Fraser Mills to various points on
28 the coast?

29 A. That is correct.

30 Q. And bringing loads of logs back?



1 A. True.

2 Q. That is the general nature of your duties
3 as a tugboat captain working for Crown Zellerbach?

4 A. That is right.

5 Q. In the last five years what has been your
6 experience so far as the volume of that traffic compared
7 with other traffic at Fraser Mills which involves the
8 loading of deep sea ships?

9 A. There has been a great increase in scow
10 traffic, and a decrease in ships loading at Fraser Mills.

11 Q. Have you any suggestions to make to the
12 Commission regarding the present depths of the Sapperton
13 and the Port Mann Channel?

14 A. Yes my lord. As you are aware by the evidence
15 given the Sapperton Channel and the Port Mann Channel have
16 less depth of water than below the bridge. I would
17 recommend that it is increased at least to the same depth
18 available at Westminster, so that ships could go to
19 Fraser Mills and load lumber.

20 THE CHAIRMAN: Are there any questions of the
21 witness? Thank you very much.

22 --- (The witness withdraws.)
23

24 ALEXANDER M. MATHESON, Sworn

25 THE SECRETARY: What is your full name please?

26 THE WITNESS: Alexander M. Matheson.

27 THE SECRETARY: And what is your address?

28 THE WITNESS: 8754 Crest Drive, New Westminster.

29 THE SECRETARY: And what is your occupation?

30 THE WITNESS: Manager of lumber sales, Crown



1 Zellerbach Building Materials Limited.

2 THE SECRETARY: And your age please?

3 THE WITNESS: 43.

4
5 DIRECT EXAMINATION BY MR. LEGG:

6 Q. I understand that you are Manager of
7 Lumber Sales with Crown Zellerbach Building Materials
8 Limited?

9 A. Yes sir.

10 Q. And previously this company was known as
11 Canadian Western Lumber Limited?

12 A. That is right.

13 Q. And that your first employment with Crown
14 Zellerbach was in November 1955?

15 A. Right.

16 Q. And prior to that you were employed by
17 Alaska Pine Mill Company in a similar capacity?

18 A. Yes.

19 Q. And the Alaska Pine Mill is situated
20 downstream from the Pattullo Bridge, near Pacific Coast
21 Terminals?

22 A. Yes.

23 Q. And of course Crown Zellerbach mill is
24 situated at Fraser Mills, approximately two miles upstream
25 of the Fraser Bridge?

26 A. That is right.

27 Q. And you can confirm the information set
28 out in the brief, Exhibit 165, which you have familiarized
29 yourself with?

30 A. Yes, I do.



1 Q. Do you agree with the recommendations
2 contained in it?

3 A. I do sir.

4 Q. Does paragraph 6 actually describe the
5 company's operations, when it speaks of a large diversified
6 saw mill and plywood operation at Fraser Mills employing
7 the men there stated and producing the production there
8 stated?

9 A. Yes, it does.

10 Q. What are the dozen facilities at Fraser
11 Mills?

12 A. There is a dock which extends approximately
13 1,200 feet.

14 Q. How many deep sea vessels can it
15 accommodate?

16 A. We have had two vessels at one time in
17 there. It is not general though.

18 Q. In the course of your duties as Manager
19 of Lumber Sales, have you become familiar with the markets
20 in which your company trades?

21 A. Yes sir. We trade in most markets of the
22 world through Seaboard Lumber Sales Company, which is a
23 co-operative selling agency, servicing all markets.

24 Q. Just a little more precisely, what does
25 Seaboard do so far as your company is concerned?

26 A. Seaboard either offers lumber to various
27 markets, which we offer through Seaboard, or else they
28 receive enquiries from these various markets, which they
29 in turn pass along to us.

30 Q. During the past eight years since you have



1 been employed by the company, what methods or means has
2 the company used for exporting its production from Fraser
3 Mills mill?

4 A. Well ---

5 Q. I mean by that methods of transportation?

6 A. Either rail, truck, or by vessel, and
7 either direct loadings to vessel, or by loading of scows.

8 Q. There has been attached as Exhibit 1 to
9 the brief, a copy of which you have in front of you, a
10 statement showing the trend of lumber exports between
11 direct ship loadings at Fraser Mills, B.C. dock and scow
12 loadings from Fraser Mills, B.C. for trans-shipment at
13 New Westminster and Vancouver, B.C. Do you see that
14 table in front of you, Mr. Matheson?

15 A. Yes sir.

16 Q. Would you please comment on this exhibit,
17 and tell the Commission generally whether the information
18 is familiar to you, and as to its accuracy?

19 A. Well, these figures are accurate, unless
20 there is a typographical error in it, to the best of my
21 knowledge.

22 Q. There was a typographical error in column
23 6. I trust your copy now shows that percentage to read
24 10.5, and not .5?

25 A. Yes. This shows direct loadings at
26 Fraser Mills, also scow loadings, both including Westminster
27 and Vancouver, and it shows that in 1961 and in 1962 the
28 great increase of scow loading over the previous averages
29 of the past ten years.

30 Q. And I direct your attention to column 4,



1 where there are set out the loadings at Fraser Mills,
2 direct loading they are called? I take ~~that to be~~ deep
3 sea loadings?

4 A. Yes, and over the ten-year period on an
5 average 90% of our export volume was loaded directly on
6 the vessels, whereas in 1961 only 62.6%, and in 1962 47.7%.

7 Q. Just to complete this picture, I direct
8 your attention to column 11, and draw to your attention
9 the ten-year average of total exports. You will notice
10 the figure there of 656,812,000 foot board measure --

11 COMMISSIONER RENWICK: That is the aggregate for the
12 ten years I think, isn't it?

13 THE WITNESS: Yes, it is the total.

14 Q. Has the total export volume fallen off
15 in the last ten years, or has it, generally speaking,
16 maintained its position?

17 A. No, it has maintained its position quite
18 well.

19 Q. Going then to the trend from deep sea
20 shipments, which have fallen off, and scow shipments,,
21 which have increased, are you aware of any reasons for
22 this trend?

23 A. From what I understand it is because we
24 can't get some of these vessels up to the mill due to
25 their size, or the construction of the vessels.

26 Q. What do you have in mind when you speak
27 of their size and construction?

28 A. Well, the aft end type of ship. I am not
29 familiar with ships as such, but this is my understanding.

30 Q. Have you noticed any particular change



1 in the dimensions of vessels available for the shipment
2 of lumber during the last two or three years?

3 A. Yes, our records show that the length and
4 size of vessels has increased in the last, over the past
5 few years. I believe the average length of the vessels
6 several years ago was slightly over 400 feet, and last
7 year it was somewhere in the vicinity of 500 feet, of the
8 type of vessels that Seaboard gives us for shipments.

9 Q. Have you any further comment on Exhibit
10 1 before we go to the next exhibit, Mr. Matheson?

11 A. I don't think so sir.

12 Q. With regard to Exhibit 2, what is depicted
13 there?

14 A. Well, Exhibit 2 is the same information
15 in graph form.

16 Q. I see. Well, can we proceed to Exhibit 3,
17 and I gather that the heading speaks for itself? "Deep
18 sea vessels loaded with lumber cargoes at Fraser Mills,
19 B.C. in the year 1962". Have you any particular comment
20 on the type of ship that has been experienced at Fraser
21 Mills?

22 A. Well, it shows that these are all ships
23 with bridge amidship that were loaded at Fraser Mills.
24 I don't think there is anything.

25 Q. Just to clarify one or two points in this
26 exhibit. What is the difference between the gross quantity
27 f.b.m. and the net quantity f.b.m.?

28 A. The gross quantity, my lord, is the
29 nominal rough size of lumber, whereas the net quantity
30 is our net size, after it has been machined or planed.



1 Q. And I also direct your attention, for the
2 purposes of clarification, to the column the third from
3 the righthand side of Exhibit 3, which speaks of the
4 draught in feet. Now, is that the fully loaded draught
5 of the vessel?

6 A. That is my understanding sir.

7 Q. That is not necessarily the water the
8 vessel was drawing when she was at Fraser Mills?

9 A. No sir. We are restricted I believe now
10 to 24 feet.

11 Q. When you talk of the restriction, have
12 you any knowledge of the origin of that restriction?

13 A. No sir, I don't.

14 Q. What does Exhibit 4 set out?

15 A. Exhibit 4 shows for 1962 the scow ship-
16 ments from Fraser Mills to Vancouver.

17 Q. Can you just explain from your knowledge
18 and experience under what circumstances scow shipments
19 from Fraser Mills to deep sea vessels at Vancouver become
20 necessary?

21 A. Why they become necessary?

22 Q. Well, why do you use scowing at all to
23 vessels in Vancouver from Fraser Mills?

24 A. Well, naturally from our point of view
25 at Fraser Mills we prefer not to, because this is a direct
26 added cost to our operation. However, there are many
27 reasons, or there are some reasons, why this is done,
28 other than the fact that a lot of these vessels would not
29 have been permitted to come to Fraser Mills, but due to
30 the various restrictions, such as draught, and as I believe



1 Captain Dennis mentioned, topping off in Vancouver. This
2 is a problem in our operation as well. We can't for
3 example sell to a port which is going to be unloaded first.
4 In other words, we can't load last on the vessel for first
5 point of discharge unless we scow it to Vancouver for
6 finishing.

7 Q. You mention an extra cost so far as
8 scowing to Vancouver or New Westminster is concerned. Can
9 you give us any approximate figure of that extra cost?

10 A. Yes sir. It would run between \$2.00 and
11 \$3.30. \$3.30, I believe, is the ---

12 Q. I don't know whether the Commission will
13 appreciate the familiarity you have with the figures.
14 \$2.00 and \$3.00 per what?

15 A. Per thousand feet board measure.

16 Q. And you were going on to say?

17 A. That it varies. There is not too great
18 a difference whether we scow to New Westminster or scow
19 to Vancouver. It depends greatly on the volume that we
20 are scowing.

21 Q. What is set out in Exhibit 5 Mr. Matheson?

22 A. Exhibit 5 shows the scow shipments from
23 Fraser Mills to New Westminster for trans-shipment on to
24 the vessel here.

25 I might say that with regard to this one a good
26 number of these quantities are small, and insufficient
27 to have permitted a vessel to come up there at any rate.
28 We would not have, or Seaboard would not have put a
29 vessel in there in most cases for some of these smaller
30 quantities.



1 Q. When you say some of these smaller
2 quantities, what do you mean by small?

3 A. Well, generally we try and put together
4 at least 300,000 feet of business for any one loading,
5 which generally will give approximately a day's work of
6 the longshore crews at Fraser Mills. It is an approximate
7 day's work, and in these cases very often we will scow
8 in from other lumber mills on the river up to Fraser Mills
9 and load off their scows.

10 MR. LEGG: My lord, I have had prepared since
11 the preparation of Exhibit 165 some figures covering the
12 year 1961, dealing with some information which is set out
13 in Exhibits 3, 4, and 5 in the company's brief. I would
14 like to file, after the witness identifies them, enough
15 copies to supply everyone with a copy I think.

16 Q. You have a document in front of you
17 entitled scow shipments from Fraser Mills loaded on deep
18 sea vessels at Port of New Westminster, B.C., in 1961,
19 and that I understand consists of two pages; is that
20 correct?

21 A. Yes sir.

22
23 ---EXHIBIT NO. 189: Document entitled Scow Shipments
24 from Fraser Mills loaded on
25 deep sea vessels at Port of
26 New Westminster, B.C., 1961.

26 Q. And the next, for the purposes of
27 identification, for the record, the third page of the
28 bundle of documents is entitled "Deep Sea Vessels loaded
29 with lumber at Fraser Mills." Have you checked that
30 information and is it accurate?



1 A. Yes, sir.

2 Q. And the fourth document is entitled "Scow
3 Shipments from Fraser Mills Loaded at Vancouver." Do
4 you see that document?

5 A. Yes.

6 Q. Have you checked that and found it
7 accurate?

8 A. Yes, sir.

9 Q. Would you turn to page 12, paragraph 26
10 of the brief, Mr. Matheson, please. You will notice the
11 comment there of the seven ships, reading from the second
12 sentence:

13 "Of the 7 ships with bridge-aft that loaded
14 "scowed lumber in the Port of New Westminster
15 "and the 14 similar type ships in the Port of
16 "Vancouver (Exhibit Nos. 4 and 5) only one ship
17 "the 'LINDO' was small enough to come within
18 "limitations set by the New Westminster and
19 "District Pilotage Authority as set forth in
20 "clause 8 above."

21 Has that been the general experience as
22 far as vessels in New Westminster are concerned?

23 A. Yes, as far as loading at Fraser Mills.
24 Are you referring to the restriction of the type of ship?

25 Q. Yes, I am referring there to vessels in
26 excess of 375 feet.

27 A. Yes, I have felt that this has been an
28 increasing tendency, that the vessels available in the
29 last two years have increased.

30 Q. Now, are you familiar with a trend or at



1 least a method of packaging lumber for export?

2 A. Yes.

3 Q. Is that method now used at the Fraser
4 Mills?

5 A. It is, for shipment to the United States.

6 Q. When did that first originate at Fraser
7 Mills?

8 A. We started experimenting with it a few
9 years ago, and it is only in the last two years that we
10 have gotten into it completely.

11 Q. What has been your experience thus far
12 with packaged lumber?

13 A. It is much easier to handle. It requires
14 certain specialized equipment before you can do it, it
15 requires some changes in your manufacturing practices,
16 but once it is established and it is produced at the mill,
17 from then on it is much easier to handle, much faster to
18 load and discharge, and is a more economical way of
19 shipping lumber.

20 Q. Mr. Matheson, one final question. Are
21 you able to give any opinion on the effect, if any, that
22 the Fraser River Bridge, coupled with its restriction,
23 has had on your operation as an exporter of lumber?

24 A. Well, it certainly places restrictions
25 on us at the mill level in that we are handicapped to a
26 certain extent as to markets that we can sell to. For
27 example, as I mentioned, the last loading on vessels,
28 this prohibits us -- not prohibits but makes it more
29 costly to manufacture and ship lumber to Florida, for
30 example, in that area.



1 MR. LEGG: Thank you, Mr. Matheson.

2
3 CROSS-EXAMINATION BY MR. HUNTER:

4 Q. I have just one question.

5 Mr. Matheson, I think you said that it
6 cost you \$2.30 per thousand board feet to barge the lumber?

7 A. Between \$2.00 and \$3.30.

8 Q. Yesterday -- I just can't put my finger
9 on it -- within the last two or three days one of the
10 witnesses said it was the breaking point whether it was
11 economical to bring a ship in and bring it out at below
12 a certain amount?

13 A. I don't know what the cost is of bringing
14 a vessel up, but we use the figure of 300,000 feet as a
15 minimum quantity, as being a day's work at Fraser Mills.

16 Q. If you would mind turning to Exhibit 4
17 of your brief, there is a list of bridge-aft ships which
18 were loaded with scow shipments at your mill at Vancouver.
19 I notice the "World Japonica" had over a million board
20 feet, the "West River" had one million three hundred and
21 seventy-five thousand, the "Thorsodd" had 761,000, the
22 "Pelagos" had 878,000 and the "San Juan Exporter" had
23 a million and a half.

24 In all of those cases, if you had been able to
25 have had a bridge-aft ship come up it would have been
26 more economical to have loaded it at your dock?

27 A. Yes, it would have been.

28 Q. So in those cases the bridge-aft ships
29 took much more than 800,000?

30 A. Yes.



1 CROSS-EXAMINATION BY MR. LANGLOIS:

2 Q. You gave \$2.00 to \$3.00 as being the cost
3 of barging lumber from New Westminster to Vancouver?

4 A. No, sir, from Fraser Mills to either
5 Newcastle or Vancouver.

6 Q Have you worked out the saving taking a
7 large ship with a full load from Vancouver?

8 A. Well, we do not have a saving in that
9 instance, sir. It is a direct cost that we are involved
10 in as a company. We are only one member of 36 or 37
11 members.

12 Q. Surely if the ship turns around at
13 Vancouver there is a saving for somebody; she doesn't
14 have to steam up the Fraser River and down, and she will
15 have a quicker turn around. That must benefit somebody.

16 A. We have been assured that if these vessels
17 could come up to the mill in many instances they would
18 be brought up. Now, I don't know whether it could be
19 said that in all cases they would be, but in many cases
20 they would be.

21 Q. How can you explain, Mr. Matheson, that
22 on Exhibit 4 of your brief, scow shipments from Fraser
23 Mills, you have 12 ships there that could have come up
24 to Fraser Mills but they loaded at Vancouver. There must
25 be an advantage to somebody?

26 A. There is a definite advantage many times
27 in scowing out, at certain times of the year. We know
28 we are faced with more scow shipments during the freshet
29 season. But there are also several reasons why they
30 would load at Vancouver and not come up.



1 Q. So the bridge is not the only factor?

2 A. No, sir.

3 Q. There are other factors?

4 A. Yes.

5 Q. Mr. Matheson, in Exhibit 189, page 4, I
6 am instructed that you would have at least eight ships
7 that could have come up to Fraser Mills and loaded, and
8 yet they loaded at Vancouver?

9 A. That is correct.

10 Q. Is it not also a fact that besides the
11 restriction on the bridges here, going through the
12 bridges, there is also the additional restriction resulting
13 from the depth of water, resulting from your own depth
14 of water at Fraser Mills?

15 A. Yes, sir, this is sometimes a restriction.

16 MR. LANGLOIS: That is all, thank you.

17 MR. JACQUES: No questions, my lord.

18 MR. BIRD: No questions, my lord.

19 MR. LEGG: I would just like to ask one question
20 in re-examination.

21 RE-DIRECT EXAMINATION BY MR. LEGG:

22
23 Q. With reference to my friend Mr. Langlois'
24 question about ships which were of a dimension which
25 could go to Fraser Mills but which did not, I think he
26 referred you to Exhibit 4 and referred you to the fourth
27 page of Exhibit 189. How many of those vessels which
28 could have gone to Fraser Mills, Mr. Matheson, were
29 merely taking loads smaller than 300,000 board feet
30 measure or taking a topping load?



1 A. Well, on Exhibit 4 ---

2 Q. I don't wish to, it wouldn't be fair,
3 direct you in any way, but if you find it difficult to
4 make any calculation or you would like to consider the
5 question, take a moment to do so.

6 A. I would say there are probably six or
7 seven vessels there where the quantities are too small,
8 that we wouldn't ---

9 MR. LANGLOIS: Would you mention them, please?

10 Q. For the benefit of the Commission,
11 referring to column 7, Exhibit 4 in the brief, referring
12 to the columns 6 and 7, could you for the benefit of
13 Mr. Langlois and the Commission identify which are
14 topping loads, with the name of the vessel.

15 A. I couldn't identify which loads or which
16 markets these quantities were going to, which destination,
17 which would have some significance to this fact. The
18 only thing I could do is indicate the vessels which are
19 carrying quantities less than 300,000 board feet.

20 Q. Would you please do that and comment on
21 any significance that that size of load has in your view?

22 A. There is the Puerto Rican, the "Flisuos",
23 halfway down the page, of only 55,000 feet, which would
24 not have come into Fraser Mills, at any rate.

25 The next two vessels, the "Hendrikfisser" and
26 the "Hoyanger", neither of which would have come in, at
27 any rate. The "Ionna" and the "Syra", down towards the
28 bottom. None of those ships would have come into the
29 mill because of the size of orders.

30 Q. Just to complete the picture, because my



1 friend did refer to Exhibit 189, the fourth page, would
2 you please do the same with that document.

3 A. You have this one with 299 feet. I think
4 that could have come up or not, one way or the other. As
5 also with Pan. They are very borderline and could be at
6 Seaboard's suggestion be scowed out or the vessel come in.
7 "Fenix", halfway down.

8 MR. LEGG: I think your comment is sufficient
9 there, Mr. Matheson. Thank you.

10 RE-CROSS-EXAMINATION BY MR. LANGLOIS:
11

12 Q. Following on this, you stated that some
13 of the ships would not have come up by reason of the
14 topping. But this has nothing whatever to do with the
15 restrictions imposed by the Pilotage Authority?

16 A. Yes, sir.

17 Q. You stated as to Exhibit 4 that the
18 "Fenix", the "Flisuos", the "Hendrikfisser", the "Hoyanger"
19 -- you named about four or five of them -- didn't come
20 up, would not have come up because the loads were too
21 small, the orders were too small?

22 A. Yes, the volume that we had on those
23 vessels was well under 300,000 feet, and normally we
24 wouldn't bring a vessel in for that small a quantity.

25 Q. Surely this is not the only reason, Mr.
26 Matheson. Would you care to look at Exhibit No. 3, where
27 you have many ships which came up with much smaller
28 orders. For example, the "North Cambria"?

29 A. Yes, sir. Going to Eastern Canada, that
30 particular vessel carried plywood as well, which does not



1 show there. I am almost certain that is the one.

2 Q. What about the "Chosaga"? She came up
3 with only 25,000 feet, according to your exhibit?

4 A. No, if you will see right below, there
5 is 342,000 feet as well.

6 Q. The "Skiathos". Are these two different
7 ships?

8 A. The same day.

9 Q. The "Cap Paimas"?

10 A. That could well have been brought into
11 Fraser Mills where we had possibly Canadian collieries
12 and two or three other mills who had also scow loads.
13 So the total quantity loaded at Fraser Mills was probably
14 in excess of 300,000 board feet.

15 Q. And the last one on Exhibit 3, and you
16 have many others.

17 A. It is not the only reason, sir.

18 Q. It is not the only reason. That is
19 exactly the point I wish to make. Thank you.

20 MR. LEGG: That is all, Mr. Matheson.

21 My lord, I have two witnesses, both of whom are
22 going to be quite brief.

23 THE CHAIRMAN: All right, you may go ahead.

24 MR. LEGG: Mr. Forrester.

25 VASSALL FORRESTER, Sworn
26

27 THE SECRETARY: Your name?

28 THE WITNESS: Vassall Forrester.

29 THE SECRETARY: Your address?

30 THE WITNESS: 1837 Hosmer Avenue, Vancouver.



1 THE SECRETARY: Occupation?

2 THE WITNESS: I am General Manager of the
3 Seaboard Shipping Company.

4 THE SECRETARY: Your age?

5 THE WITNESS: 56.

6
7 DIRECT EXAMINATION BY MR. LEGG:

8 Q. Mr. Forrester, as General Manager of
9 Seaboard Shipping Company Limited, would you tell the
10 Commission briefly what duties Seaboard Shipping Company
11 Limited performs for its members and particularly for
12 Crown Zellerbach Building Materials Limited?

13 A. Our job is to arrange for the transporta-
14 tion of the lumber and plywood from a number of mills,
15 including Crown Zellerbach and Fraser Mills, to overseas
16 markets as efficiently as we can possibly do it.

17 Q. What type of vessel do you use for this
18 purpose?

19 A. That is pretty wide.

20 Q. Let's take the experience of the last
21 four or five years.

22 A. If you are thinking of the tonnage of
23 vessels, right after the war they were building 10,000
24 ton ships with engines amidships, and they got bigger,
25 and in the last few years there has been a very large
26 trend towards engines aft. They don't all have bridge-aft,
27 but my guess would be 90% with engines aft also have the
28 bridge-aft.

29 Q. Mr. Langlois will no doubt refer you to
30 the "Dorothy Ann". Are you familiar with that vessel?



1 A. Yes.

2 Q. I understand you have a particular
3 personal familiarity with it. Would you tell the Commission
4 about that familiarity?

5 A. My familiarity was with the "Judith Ann",
6 her predecessor.

7 Q. I understood it was named after your
8 daughter?

9 A. No, that was the previous vessel, the
10 "Judith Ann".

11 Q. Referring to the "Dorothy Ann", Mr.
12 Forrester, before we leave the subject. May I see the
13 exhibit? I don't think you were present in these
14 proceedings when this photograph was put in. In fairness
15 you should have an opportunity to look at it.

16 A. Yes.

17 Q. Now, is that type of vessel, with the
18 engine aft and the bridge amidships usual or unusual in
19 your experience?

20 A. Unusual.

21 Q. The photograph also depicts, and reference
22 is made in the caption, to Seaboard Shipping loading that
23 vessel in Vancouver. What are the comparative economies,
24 in your experience, between loading a vessel of that type
25 at Vancouver and loading a vessel, if it was permitted to
26 go, at Fraser Mills?

27 A. Well, of course it depends again on the
28 quantity to be loaded at Fraser Mills.

29 Q. Well, let's assume something in excess
30 of 300,000 f.b.m.? Let us talk in terms of the "Clune



1 Park", one and a half million gross quantity, 1,075,000
2 net quantity?

3 A. Well, I would say when we are getting up
4 to those quantities and above the million feet almost
5 we would bring almost all ships into Fraser Mills. We
6 intend always to do so of course, to avoid the scowing
7 cost, but every ship is a different calculation, depending
8 on the quantity, the cost of the ship to us, the terms
9 of the charter, and a number of other factors. It is
10 almost impossible to generalize on that.

11 Q. You have mentioned the bridge-aft vessels.
12 What in your experience has been the reason for the change
13 to this type of vessel?

14 A. Well, the reason that the vessels are
15 being built is the elimination of the shaft reduces the
16 cost of building, and it adds also to the cargo capacity,
17 because there is no shaft tunnel in the way, and it has
18 also been found a very practical and efficient vessel
19 for loading and discharging of many types of cargoes,
20 mostly bulk cargoes, but including especially packaged
21 lumber.

22 Q. How recently in your experience has the
23 change to packaged lumber been?

24 A. Well, that was started around 1960, 1961,
25 on the Atlantic coast, and by 1962 all our mills were
26 shipping packaged lumber exclusively. I think Crown
27 Zellerbach probably some time in 1961. I have not got
28 that figure. I am only guessing, and I would like to
29 say, and I think this is important, that the trend
30 towards packaged lumber is increasing throughout the world.



1 Other markets are now moving into packaged lumber. Japan
2 is now largely packaged. U.K. Continent is starting to
3 show a little bit of interest. It goes a little slowly
4 in the U.K. It is interesting to note that one
5 Caribbean port, I think it is Barbados, the port authori-
6 ties refused to accept any loose lumber. They say it
7 is too slow.

8 Q. Mr. Forrester, we can't let you go without
9 asking you a question about the old Railway Bridge ---

10 A. I expected it.

11 Q. What in your view is the effect of the
12 Railway Bridge with its present restrictions, so far as
13 exporting of lumber is concerned on the Fraser River?

14 A. Well, of course it does, it adds to the
15 cost of delivering Fraser Mills lumber to overseas
16 markets, because there are a number of vessels that we
17 otherwise would be able to put up. No, I should rephrase
18 that. We always endeavour to seek, if we can, vessels
19 that don't have the bridge aft because of this problem,
20 but it is becoming increasingly difficult, so more and
21 more we are getting ships that can't go to Fraser Mills,
22 and we are thereby involved in additional costs, which
23 as I say, adds to the cost of lumber delivered to foreign
24 markets.

25 THE CHAIRMAN: Thank you.

26 --- (The witness withdraws.)

27
28 JOHN McCORMICK O'HARA, Sworn

29 THE SECRETARY: Would you state your name
30 please?



1 THE WITNESS: John McCormick O'Hara.

2 THE SECRETARY: And your address please?

3 THE WITNESS: 612 Shaw Avenue, New Westminster.

4 THE SECRETARY: And your occupation please?

5 THE WITNESS: Log Supply Superintendent, Crown
6 Zellerbach.

7 THE SECRETARY: And your age please?

8 THE WITNESS: 44.

9
10 DIRECT EXAMINATION BY MR. LEGG:

11 Q. Mr. O'Hara, I understand that you are
12 employed by Crown Zellerbach Building Materials Limited?

13 A. Yes.

14 Q. And that you are a tow boat captain?

15 A. Yes.

16 Q. And that you are familiar with and
17 responsible for any dredging problems at the berth at
18 Fraser Mills?

19 A. That is right.

20 Q. Would you please tell the Commission what
21 problems do in fact exist at the berth in Fraser Mills
22 so far as your company's arrangements are concerned, and
23 you have in front of you a copy of Exhibit 157, which
24 is the chart of the Sapperton Channel my lord, and which
25 is also part of the company's brief. With that chart in
26 front of you, would you please tell the Commission
27 generally what the problems are?

28 A. First off the Public Works Department
29 survey boat comes up and sounds the area adjacent to the
30 dock, and we get copies of this plan, and the Harbour



1 Board do, and the Pilot Board do, and they, if there is
2 any doubt whether there is enough water there, they tell
3 the Harbour Board that we are restricted to 21 feet, 22
4 feet, and we won't get any ships in up to 24 feet unless
5 we dig it out. So then we call bids, and get the thing
6 dug out periodically.

7 Q. That is your present practice, is it, to
8 call for bids and dredge out the berth in accordance
9 with the requirements of --- are you talking of the
10 requirements of the pilots or of somebody else?

11 A. No, the pilots I think talk to the
12 Harbour Board, and I work very closely with Captain
13 Clayton, and he phones me and tells me the problem.

14 Q. You do that at the company's expense now?
15 Has that always been the practice?

16 A. No, in 1956 a directive came out that
17 we would have to be responsible for 90 feet out in the
18 stream, and the total length of the dock.

19 Q. What directive are you talking about?

20 A. A directive from the Public Works Depart-
21 ment.

22 Q. Was there any change regarding approaches?

23 A. Since that date we have been assessed
24 50% of the approach dredging, which could be down 500
25 feet below our dock. It is in the main channel, in
26 public domain.

27 Q. So that you are required now to pay for
28 the cost of dredging off your own territory as it were?

29 A. That is correct.

30 Q. Can you say what those costs are with



1 reference to some invoices which you have?

2 A. Well, in 1959 our dredging costs were
3 \$6,300.

4 Q. Have you got some invoices in front of
5 you that you can file as exhibits?

6 A. Yes.

7 Q. Which one have you referred to first?

8 A. Coast Marine Equipment and Harbour Derrick
9 Services Company together.

10 COMMISSIONER SMITH: How far is it from the
11 edge of the main channel to your berth, the end of your
12 berth? What gap is there between the area where you have
13 to pay the full cost of dredging at your berth, and the
14 edge of the main channel?

15 THE WITNESS: I would say it is roughly about
16 a hundred feet. We have to pay 90 feet directly out in
17 the stream, and it is about another hundred feet out
18 to the channel.

19 Q. For the benefit of Mr. Smith, is the
20 distance shown on Exhibit 157, the chart? Is the boundary
21 of your berth shown on Exhibit 157?

22 A. Yes.

23 Q. Would you with a pencil just mark that?

24 A. Do you mean the boundary we are responsible
25 to dig out?

26 Q. Yes?

27 A. It is 90 feet out.

28 Q. The witness has indicated a distance
29 approximately 90 feet out from the face of the dock.

30 What has been the company's experience so far



1 as the cost of dredging is concerned? You were referring
2 to an invoice of Coast Marine Equipment Limited, dated
3 December the 31st, 1959?

4 A. That is right.

5 Q. And an invoice of Harbour Derrick Services
6 Limited of the same date?

7 A. Yes.

8 ---EXHIBIT NO. 190: Invoice of Marine Equipment
9 Limited, dated December 31st,
10 1959 and invoice of Harbour
11 Derrick Services Limited,
dated December 31st, 1959.

12 Q. And the amount of that work was how much?

13 A. \$6,327.45, the two of them together.

14 Q. For what period of time was that dredging
15 effective?

16 A. That was done in December 1959 and we had
17 to go back in and do this over again in March 1960 at
18 the request of the Harbour Board.

19 Q. You had to do that again in March 1960?

20 A. That is right.

21 Q. Do you have an invoice covering the work
22 that you did in 1960?

23 A. Yes, Marine Pipeline and Dredging Company,
24 dated March 14th, 1960.

25 Q. So the cost on March 14th, 1960 was?

26 A. \$8,271.18.

27 ---EXHIBIT NO. 191: Invoice of Marine Pipeline
28 and Dredging Limited, dated
29 March 14th, 1960.

30 THE WITNESS: And then again, after the freshet



1 in 1961, in August we had another call from the Harbour
2 Board complaining about the water at our dock, so we got
3 bids in again and had it dug again. That was B. C. Bridge
4 and Dredging Company, dated September the 22nd, 1961.

5 Q. What was the amount of that?

6 A. \$14,887.08.

7 Q. You are referring to an invoice of the
8 British Columbia Bridge and Dredging Company dated
9 September 22nd, 1961?

10 A. That is right.

11 ---EXHIBIT NO. 191-A: Invoice of British Columbia
12 Bridge and Dredging Company
13 Limited, dated September 22,
14 1961.

15 Q. Now, going back to 1957, when I think you
16 said the policy changed, that is you were now charged for
17 the dredging of your berth, what was the experience prior
18 to this so far as the requirements of dredging were
19 concerned? What dredging had the Public Works Department
20 had to do?

21 A. To my knowledge, I can't verify this
22 without going back to the records, but I think they came
23 up there about every three years and dredged our dock
24 out.

25 COMMISSIONER SMITH: Without charge?

26 THE WITNESS: Without charge.

27 Q. Are you familiar with the peculiarities
28 of having to dredge and keep clear that berth, Mr. O'Hara?

29 A. Well, being that I am around the mill
30 steady all the time I have watched the river for the last
20 years. Our dock used to have a fair flow of tide



1 past it, and I don't know what caused this, but we have
2 a big eddy in there on the ebb tide. It just swings in
3 there and settles, and I think that is causing these
4 troubles.

5 Q. Were you present when Mr. Wallace gave
6 evidence on Tuesday of this week?

7 A. No sir.

8 Q. Well, he advised the Commission that
9 certain dredging had been done in the Sapperton Channel
10 or in the neighbourhood of the Sapperton Channel, and
11 he indicated certain shaded areas on Exhibit 157, which
12 is before you, as to where this dredging took place, and
13 I notice one is immediately off your dock. Do you recall
14 seeing that dredging work done?

15 A. Yes sir.

16 Q. And do you recall the name of the vessel
17 that did it?

18 A. The "Fort Langley".

19 Q. What was done with the dredging spoil
20 which was removed?

21 A. She is a hopper type vessel. She picked
22 the spoil up, moved up about a thousand feet above our
23 dock, and dropped it on the ebb tide.

24 Q. Are you able to say what occurred as a
25 result of that?

26 A. The spoil she dropped just moved back
27 in front of our dock again.

28 Q. And you have been paying for it ever
29 since have you?

30 MR. LEGG: That is all the evidence my lord.
---Luncheon adjournment.



1 ---On resuming at 2:30 p.m.

2
3 MR. LEGG: My lord, before the adjournment I
4 had indicated that we had completed our witnesses, and I
5 had said this because I had not been able to contact Mr.
6 Harvey, who is here as a spokesman for various munici-
7 palities affected by the position. Mr. Harvey is here.

8 THE CHAIRMAN: That is paragraph 3 of your
9 brief.

10 MR. LEGG: Yes, that is correct. Mr. Harvey.

11
12 MR. HARVEY, Sworn

13 DIRECT EXAMINATION BY MR. LEGG:

14 Q. Mr. Harvey, as neither you nor I have
15 had a chance to exchange but a few words, would you please
16 tell the Commission what your position is here?

17 A. Yes, Mr. Legg. I am the reeve of the
18 Municipality of Surrey, and as such I have been asked by
19 the mayor of the Port of Coquitlam, the reeve of
20 Coquitlam, the reeve of Pitt Meadows, the reeve of Fraser
21 Mills, to attend, and I am representing my own municipality.

22 Q. Which is?

23 A. The Municipality of Surrey.

24 Q. You are the reeve of Surrey?

25 A. Yes.

26 Q. Did you attend a meeting recently in
27 regard to submissions of Crown Zellerbach Building
28 Materials to this Commission?

29 A. Yes, I attended a meeting at which the
30 points in the brief were roughly outlined. We were then



1 given a copy of the brief, which I took back to my council,
2 and in turn this was endorsed by my council, as well as
3 the other cities and districts I have mentioned.

4 Q. What is the general feeling about the
5 recommendations, particularly regarding the position of
6 the bridge and what might be done in regard to it?

7 A. Well, our feeling is that we are not
8 experts in navigation; in fact, we are complete laymen.
9 Our sole interest is in seeing that the navigational aids
10 of the Fraser River above the Pattullo Bridge or above the
11 City of New Westminster are improved in order that deep
12 sea vessels can use the present dock space as well as the
13 potential dock space above the City of New Westminster.

14 MR. LEGG: My lord, that is all I wish to ask
15 Mr. Harvey. Perhaps the Commission would like to ask
16 some questions. If not, I will file some letters indicating
17 the position they have taken. Some of the letters which
18 I have are addressed to Mr. Nadeau as Secretary to the
19 Commission.

20 THE CHAIRMAN: Yes, I have seen one or two
21 letters coming in from the municipalities concerned
22 approving the Crown Zellerbach brief.

23 MR. LEGG: Yes, my lord. At the beginning of
24 the hearings Mr. Nadeau handed me all the correspondence,
25 and I now file it with the Commission.

26 For the record, I produce a letter dated March
27 the 19th, 1963, from the Corporation of the District of
28 Fraser Mills, addressed to the Royal Commission on
29 Pilotage, attention Mr. Nadeau. Secondly, a letter dated
30 March the 18th, 1963, from the Corporation of the District



1 of Pitt Meadows, addressed to the same person. Thirdly,
2 a letter dated the 20th of March, 1963, from the
3 Corporation of the District of Surrey. Fourthly, a letter
4 dated the 20th of March, 1963 from the City of Port
5 Coquitlam, addressed to the same person. Fifthly, a copy
6 of a letter from the Corporation of the District of
7 Coquitlam dated March the 22nd, 1963, also addressed to
8 Mr. Nadeau.

9 May those all be filed as one exhibit, my lord?

10 THE SECRETARY: It will be Exhibit 192.

11 MR. LEGG: Possibly as part of Exhibit 192,
12 my lord, I may also file letters of a similar context
13 from the following companies: Domtar Chemicals Limited,
14 Canada Creosoting Division, which I understand operates
15 a facility upstream of the Railway Bridge; a letter dated
16 March 22nd, 1963, from the B.C. Towboat Owners'
17 Association, which also endorses Crown Zellerbach's
18 position; a letter dated 22nd February, 1963, from the
19 Grosvenor-Laing (B.C.) Limited, which operates Annacis
20 Industrial Estate on Annacis Island.

21 May those be filed with the previous letters?

22 ---
23 ---EXHIBIT NO. 192:

Letter dated March 19, 1963,
from the Corporation of the
District of Fraser Mills,
addressed to the Royal Commission
on Pilotage, attention Mr. Nadeau.
Letter dated March 18, 1963,
from the Corporation of the
District of Pitt Meadows,
addressed to Mr. Nadeau.
Letter dated March 20, 1963,
from the Corporation of the
District of Surrey.
Letter dated March 20, 1963,
from the City of Port Coquitlam,
addressed to Mr. Nadeau.



1 ---EXHIBIT NO. 192: (Cont'd)

2 Copy of letter from the
3 Corporation of the District
4 of Coquitlam dated March
5 22, 1963 addressed to Mr.
6 Nadeau.
7 Letter from Domtar Chemicals
8 Limited, Canada Creosoting
9 Division.
10 Letter dated March 22, 1963,
11 from the B.C. Towboat
12 Owners' Association.
13 Letter dated Feb. 22, 1963,
14 from Grosvenor-Laing (B.C.)
15 Limited which operates
16 Annacis Industrial Estate
17 on Annacis Island.

18 MR. HUNTER: Is your lordship aware of the
19 locations of these various municipalities?

20 THE CHAIRMAN: It may be a good idea to have
21 that for the record.

22 BY MR. LEGG:

23 Q. Mr. Harvey, there is in front of you a
24 copy of an exhibit. ---

25 THE CHAIRMAN: Excuse me, I would prefer that
26 you put it on a larger map.

27 MR. LEGG: Possibly we could use the map which
28 has been filed as Exhibit 156, the New Westminster Harbour
29 Commission By-laws.

30 Q. Mr. Harvey, I am showing you a map which
you may not have seen before but which I am instructed
does indicate the boundaries of the various municipalities
which have been referred to in your evidence and in the
letters which have just been filed. Does this correctly
set out in a general way the areas or municipalities to
which you have reference?

A. Yes, it does, that portion of the



1 municipalities abutting on the river.

2 MR. LEGG: Are there any questions your lordship
3 would like to ask in that regard?

4 THE CHAIRMAN: No, that is all right.

5 MR. LEGG: It will not be necessary to mark
6 this as a separate exhibit.

7 THE CHAIRMAN: No.

8 MR. LEGG: My lord, I have one further exhibit
9 which literally reached me five minutes ago and which I
10 have not had the opportunity to study. It is a copy
11 of an agreement between His Majesty the King in the Right
12 of the Province of British Columbia and His Majesty the
13 King in the Right of Canada, dated the 26th of October,
14 A.D. 1939. I think as a matter of record this should be
15 filed. Its particular significance I have not had a
16 chance to examine yet. It deals with the Railway Bridge,
17 and one particular paragraph which is of significance is
18 paragraph 13, which reads as follows, and bearing in mind
19 that the date of the agreement is the 26th of October,
20 A.D. 1939:

21 "If at the expiration of a period of ten years

22 "from the date of taking over the bridge" --

23 I understand that the agreement provides that the Dominion
24 Government will take over the bridge, and, in fact, there
25 is a conveyance attached to it --

26 "If at the expiration of a period of ten years

27 "from the date of taking over the bridge it has

28 "not been determined by the Dominion that a lift

29 "span is necessary, the Dominion will retain

30 "only such sum as may be required in its opinion



1 "to constitute a reserve towards the maintenance
2 "of the bridge and the estimated cost of its
3 "ultimate removal and transfer to the Province
4 "the then balance of the trust fund and annually
5 "thereafter that portion of such fund which the
6 "Dominion considers in excess of the amount to
7 "be retained as above described. If and when
8 "the Dominion determines to remove the bridge,
9 "any such sum remaining in the trust fund after
10 "all costs of such removal have been defrayed
11 "will be transferred to the Province. In
12 "determining the excess of revenues aforesaid,
13 "no other expenses other than those incurred
14 "directly through the maintenance, repair and
15 "operation of the bridge, its approaches and
16 "appurtenances shall be included."

17 And the fact is, my lord, that apparently
18 the Federal Government still retains a trust fund, and
19 we are interested in developing as much information as
20 we can as to the status of this trust fund and will
21 endeavour to do so.

22 THE CHAIRMAN: So that it can eventually be
23 used.

24 MR. LEGG: Yes, my lord. The conditions under
25 which this document I have in my hand came to my hand
26 are such that they do not permit me to have it filed, but
27 I am sure my friend Mr. Jacques can arrange to have
28 photostatic copies made.

29 Then subject to the arrangements to have a copy
30 made, I will have it filed as Exhibit 193.



1 MR. JACQUES: We will see to that, and it may
2 be available from the Department of Public Works in
3 Ottawa.

4 MR. LEGG: The description of the exhibit is
5 a photocopy of an agreement dated the 26th day of October,
6 1939, between His Majesty the King (in the right of the
7 Province of British Columbia) and His Majesty the King
8 (in the right of the Dominion of Canada).

9 ---
10 ---EXHIBIT NO. 193: Photocopy of an agreement dated
11 October 26, 1939, between His
12 Majesty the King (in the right
13 of the Province of British
Columbia) and His Majesty the
King (in the right of the
Dominion of Canada).

14 My friend has asked me to put on the record by
15 whom it was executed. The Minister of Railways of the
16 Province at that time, Mr. Pearsay, executed the agreement
17 on behalf of the Province, and the Deputy Minister of
18 Public Works of Canada executed it on behalf of the
19 Federal Government.

20 Thank you, my lord. I have finished my sub-
21 mission.

22 MR. HUNTER: My lord, Mr. Langlois yesterday
23 asked me to obtain a copy of a letter which my clients,
24 the Harbour Commissioners, wrote to Sir R. Ropner and
25 Company Limited in regard to the use of bridge-aft ships,
26 and I now have photocopies of that and I now file this
27 letter of December 22nd, 1961.

28 THE SECRETARY: Exhibit 194.

29 ---EXHIBIT NO. 194: Letter from New Westminster
30 Harbour Commissioners to Sir R.
Ropner & Co. Ltd., dated Dec.
22, 1961.



1 MR. HUNTER: I will just read it. It is
2 addressed to Sir R. Ropner & Company Limited.

3 "Dear sir, I understand that your firm has
4 "made considerable study of navigation conditions
5 "in confined water of ships with the bridge and
6 "engine aft.

7 "Our pilots at this port recommend certain
8 "restrictions which we are anxious to have
9 "removed, if prudent to do so. To this end,
10 "we are writing to yourselves and other interested
11 "parties to obtain a cross-section of opinion
12 "in this question and also to ascertain if
13 "navigational restrictions are general to this
14 "class of vessel in other ports.

15 "It would be much appreciated by my
16 "commissioners if you would be good enough to
17 "let us have any information you may have
18 "gained on this subject. Thanking you in
19 "anticipation,

20 Yours very truly,

21 (Sgd.) John C. Clayton,
22 Port Manager."

23 I have nothing else.

24 THE CHAIRMAN: Mr. Langlois, have you anything
25 further?

26 MR. LANGLOIS: No, my lord.

27 THE CHAIRMAN: You were to have another witness.

28 MR. LANGLOIS: I had thought of bringing another
29 witness.

30 MR. JACQUES: This appears to conclude the



1 hearings for New Westminster, my lord, and if it is
2 agreeable to all parties and if there is no summing up
3 or pleadings to the Commission ----

4 THE CHAIRMAN: If you wish to address the
5 Commission, you can do so.

6 MR. LEGG: My lord, speaking for my client, we
7 would like to have the opportunity of making a submission
8 at some later time. It is a little difficult to accurately
9 address the Commission as to the position in regard to
10 this bridge, particularly as regards its status between
11 the Provincial and Federal Governments and as to the
12 various other government bodies involved.

13 So far as the position as we see it now, my
14 lord, it seems to be almost self-evident that it is a very
15 serious restriction from the navigation and expansion of
16 the Port of New Westminster and the expansion and the
17 capabilities of the port of Fraser Mills. One only has
18 to appreciate that this port was developed under the
19 impact of railway expansion. If my recollection is
20 correct, the Canadian Pacific Railway was constructed and
21 completed in 1885, and it is only within a score of years
22 since that date that this bridge was built and presumably
23 to complete the Great Northern connection with the
24 United States. Significantly, the Panama Canal, which
25 played such an important part in the development of the
26 Pacific coast, had been developed first in 1914, ten years
27 after this bridge was constructed; and one only has to
28 see the present position to see what a real bottleneck
29 it is. It is a very serious restriction indeed.

30 We don't question the sincerity of the very able



1 pilots who have appeared before your Commission during
2 this week and have expressed the view that this is a
3 danger to navigation. We simply take the position that,
4 whatever the situation, it needs some resolution, and
5 that your Commission is a proper authority and body to
6 examine this problem and make recommendations in connection
7 with it.

8 We would, however, like the opportunity to
9 reserve our rights (I am sure we have) to make further
10 oral submissions or further written submission, and also
11 to submit any further evidence which we may be able to
12 develop along the lines I have indicated.

13 THE CHAIRMAN: If you have any further evidence,
14 we will be pleased to have it.

15 MR. LEGG: We have none at the moment that we
16 know of, my lord.

17 THE CHAIRMAN: Yes, and everyone will have the
18 opportunity at any time to send a further brief or
19 recommendation to the Commission, and they will all be
20 considered in due course; and if you wish to come east,
21 we will have final hearings to summarize the whole thing.
22 For those who cannot make it, they could send us their
23 recommendations in writing.

24 MR. HUNTER: My lord, I am in much the same
25 position as my learned friend. On behalf of my clients,
26 I would like to make a submission at a later date.

27 I would like in conclusion to read the last
28 two paragraphs of the New Westminster Harbour Commissioners'
29 brief. It states:

30 "This brief is submitted to the Royal Commission



1960

1 "on Pilotage to enlist their assistance in the
2 "clarification of certain administrative problems
3 "in connection with pilotage which the Harbour
4 "Authority feels is of vital concern to the
5 "growth and development of the port.

6 "No reflection on the basic capabilities
7 "or conduct of the Pilots is either intended
8 "or implied. The New Westminster Harbour
9 "Commissioners approach this matter as a problem
10 "for which it is their responsibility to find
11 "a solution. In this spirit the New Westminster
12 "Harbour Commissioners strongly recommend the
13 "earnest consideration of this brief by the
14 "Royal Commission on Pilotage, with the sincere
15 "desire that their deliberations may lead to
16 "such a solution."

17 Other than that, we would like to be
18 advised of the final hearings in the event that we wish
19 to attend.

20 May I in conclusion -- I think I am the
21 only local person, Mr. Monroe and myself -- thank you
22 very much for the very sincere way in which our briefs
23 have been listened to.

24 THE CHAIRMAN: Thank you very much. It has
25 been a pleasure also for us to preside at such a very
26 interesting hearing which we had here.

27 MR. HUNTER: Thank you, my lord.

28 MR. JACQUES: If the Commission pleases, we
29 can now resume the Vancouver hearings.

30 Captain Eddy, please.

---At 3:00 p.m. the New Westminster hearing was concluded.



ROYAL COMMISSION ON MARINE PILOTAGE

(Continuation of Vancouver hearing)

Proceedings of the hearing
held at the Courthouse Annex,
New Westminster, British Col-
umbia, on the 29th of March,
1963.

COMMISSION:

The Honourable Mr. Justice Bernier Chairman

Robert K. Smith, Esq. Member

Harold A. Renwick, Esq. Member

Mr. Gilbert W. Nadeau Secretary

Mr. F. S. Morissette Asst. Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques, Q.C.

Mr. Leopold Langlois, Q.C. for the Canadian Merchant
Service Guild and for
the Pilots of the Pilot-
age District of New
Westminster (Fraser River)

Mr. J. I. Bird, Q.C. for Vancouver Chamber
of Shipping.

Also Present:

Capt. F. S. Slocombe, Department of
Transport and liaison officer

Capt. J. S. Scott, Technical Advisor
to the Commission



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1961

1 ---Vancouver hearings resumed.

2
3 F. N. EDDY, Sworn

4 THE SECRETARY: Would you state your name?

5 THE WITNESS: Frederick Nelson Eddy.

6 THE SECRETARY: Your address?

7 THE WITNESS: 972 Beaumont Drive, North Vancouver.

8 THE SECRETARY: Occupation?

9 THE WITNESS: Regional Superintendent of Pilots,
10 Department of Transport.

11 THE SECRETARY: Your age?

12 THE WITNESS: 61.

13 MR. JACQUES: I should now like to file certain
14 documents, my lord. Firstly, the British Columbia
15 Pilotage District General By-law as Exhibit 195; and the
16 following documents to which the certificate of Mr. Frank
17 Thomas Collins of the Department of Transport is attached
18 as Exhibit 196, pilots on strength in the Pilotage
19 District of British Columbia as of February 14th, 1963,
20 showing the age and the date on which the licence was
21 issued. Then the British Columbia Pilotage District
22 statements of revenue and expenses for 1962 as Exhibit 197.
23 A similar document for 1961 as Exhibit 198. A similar
24 document for 1960 as Exhibit 199. A similar document for
25 the fiscal year 1959-60 as Exhibit 200. Lastly, a similar
26 document for the fiscal year 1958-59 as Exhibit 201, and
27 the certificate of the secretary of the Department of
28 Transport as Exhibit 202?

29 I wonder if your lordship would like to have
30 the photographs of the despatching board at the Vancouver



despatching office filed also as an exhibit?

THE CHAIRMAN: Yes.

MR. JACQUES: Exhibit 203.

---EXHIBIT NO. 195:

British Columbia Pilotage
District By-law.

---EXHIBIT NO. 196:

Documents, certificate of
Mr. Frank Thomas Collins, of
the Department of Transport,
pilots on strength in the
Pilotage District of British
Columbia as of February 14th,
1963, showing the age and the
date on which the licence was
issued.

---EXHIBIT NO. 197:

British Columbia Pilotage
District statements of revenue
and expenses for 1962.

---EXHIBIT NO. 198:

British Columbia Pilotage
District statement of revenue
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---EXHIBIT NO. 199:

British Columbia Pilotage
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---EXHIBIT NO. 200:

British Columbia Pilotage
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year 1959-60.

---EXHIBIT NO. 201:

British Columbia Pilotage
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---EXHIBIT NO. 202:

Certificate of the Secretary
of the Department of Transport.

---EXHIBIT NO. 203:

Photographs of the despatching
board at the Vancouver
despatching office.



G/RPS

1 DIRECT EXAMINATION BY MR. JACQUES:

2 Q. Now Capt. Eddy what is your occupation
3 please?

4 A. Regional Superintendent of Pilots for the
5 Department of Transport.

6 Q. Where sir?

7 A. British Columbia.

8 Q. And where is your office?

9 A. The Federal Building, Vancouver, B.C.

10 Q. How long have you occupied that position?

11 A. Since the 1st of May 1953.

12 Q. You have been local Superintendent since
13 the 1st of May 1953?

14 A. That is right.

15 Q. Previous to that date what was your occupa-
16 tion sir?

17 A. Steamship Inspector for the Department of
18 Transport.

19 Q. For how many years?

20 A. From 1947 until 1953.

21 Q. And previous to 1947, sir, what was your
22 occupation?

23 A. Lieutenant Commander, Royal Canadian Navy
24 Reserve.

25 Q. Did you serve at sea with the Canadian Navy?

26 A. In 1940 and 1941.

27 Q. What were your duties with the Canadian
28 Navy?

29 A. Senior Watch-keeping Officer in armed
30 merchant cruisers.



1 Q. Prior to joining the Canadian Navy, what
2 was your occupation?

3 A. From 1936 to 1939 I was on the British
4 Columbia coast, not in command in those days. I had
5 returned from deep sea, and I was serving as Chief Officer
6 and Second Officer.

7 Q. On what sort of ships?

8 A. The little paper ships running between
9 Powell River and San Francisco.

10 Q. Have you any other sea experience, apart
11 from that which you have just mentioned?

12 A. Do you wish me to start from the beginning?

13 Q. Yes please?

14 A. I went to sea in 1917 as a midshipman with
15 the Blue Funnel Line, and served to the end of the first
16 World War in the North Atlantic, and then completed my
17 period of apprenticeship and served as Third Officer with
18 the same company, but in those days to get your master's
19 certificate you had to keep a watch, and the Blue Funnel
20 Line would not allow a watch-keeping officer unless he had
21 a master's certificate. So I had to leave to get my
22 certificates. I left in Vancouver, and joined the
23 Canadian Government Merchant Marine in 1922, and served
24 as Third Officer, Second Officer, and Chief Officer for
25 many years. Obtained my master foreign-going certificate
26 in 1925, fell in love with the country and with a local
27 girl, and stayed here. When the Canadian Government Mer-
28 chant Marine began to be disbanded, like many more Canadian
29 deep sea master mariners I had to leave, and I went down
30 and joined the Standard Oil of New York as it was then,



1 and served with them as Chief Officer and master until
2 1936, when I returned to Vancouver and joined the Kingsley
3 Navigation, which were the little paper boats I previously
4 spoke about.

5 Q. So I dare say it would be fair to say sir
6 that you have spent your life either at sea, or in occup-
7 ations connected with the sea, ships, and seamen?

8 A. Every minute I think since 1917.

9 Q. Now sir, I would refer you to the by-laws
10 of the British Columbia District if you please. Section
11 3 of these by-laws states very broadly what are your
12 duties. I gather from the text that you have the direction
13 of the pilots and that you may make orders for the admin-
14 istration and management of the District.

15 Would you state first, sir, how, broadly speaking,
16 you are proceeding to administer your District, the outline
17 of your administration?

18 A. Well, I should put it this way, that the
19 responsibility not only of the financial administration of
20 the District, but the administration of the by-laws, and
21 the duty to see that every ship has a pilot when called,
22 and to co-operate with both the shipping interests and the
23 pilots for shipping's advantage, and in other words to see
24 that this District operates in a smooth and efficient
25 manner.

26 Q. How many pilots have you under your charge
27 sir?

28 A. 66.

29 Q. And have you made your own orders for the
30 administration of your District?



1 A. Yes I have. We have many orders, most of
2 them included in a Pilotage Memorandum Book, which I keep.

3 Q. Have you brought this book with you sir?

4 A. I only have the one copy, because we are
5 running out of paper and running out of staff, but that
6 is a copy of the Memorandum Book, which is something like
7 you might say like a ship's Night Order Book, probably.

8 Q. Would you explain the contents of this
9 book sir?

10 A. Any memorandum that is rather important,
11 and is more or less permanent.

12 Q. On what subject sir?

13 A. Any subject in regard to pilotage. It
14 could be with regard to navigation, aids to navigation,
15 radio aids, quarantine regulations, discipline, boarding
16 off, boarding on. In fact, those are just a few of the
17 subjects touched in there. These are more or less of a
18 permanent nature, and they are put out on a special form.
19 Many of them have been drawn up after consultation with
20 the Pilots' Committee, especially relating to technical
21 subjects concerning the pilots.

22 Q. Are you referring to the forms or the sub-
23 ject?

24 A. The subject matter on the form. If it is
25 a rather important directive in regard to piloting, or the
26 safety of ships, as a rule in most cases the Pilots'
27 Committee will come, and between us we will discuss it
28 fully, and then formulate the Pilotage Memorandum that will
29 be put out. That memorandum is put out to every pilot,
30 and on the bottom there is a receipt that has to be torn



1 off.

2 Q. On the bottom of what sir?

3 A. On the bottom of the memorandum.

4 Q. Do I gather that this book contains a
5 series of memoranda which have been compiled throughout
6 so many years, and that each of these memoranda had
7 attached to it at the bottom a receipt?

8 A. That is correct.

9 Q. And what was the purpose of that receipt
10 sir?

11 A. So that every pilot could sign the new
12 receipt and send it back, and then there would be no
13 question that he hadn't received it.

14 Q. I understand that this book contains also
15 notices, or memos, concerning aids to navigation?

16 A. Yes, in regard to local notices to shipping.

17 Q. Are they included in your book sir?

18 A. Anything that is of importance to the
19 B.C. District. If it is a notice to do with the Kootenay
20 Lakes, or the Fraser River, we don't bother with it, but
21 if it is an important notice that should be brought to the
22 pilots' attention immediately, firstly we put it on the
23 board.

24 Q. On the board where?

25 A. In the Pilots' Room. Secondly we make
26 a mimeographed copy and mail it to every pilot, but thirdly,
27 to be absolutely sure, if it is affecting a district where
28 we would likely have a ship going within the next 24 hours,
29 or 36 hours, or 48 hours for that matter, the notice is
30 put on the board in the Dispatch Room, and I think when you



BB2

1 were in there my lord you saw the board with these little
2 notices on it. That allows the Dispatcher, when assign-
3 ing a pilot, for instance, there is a note in there saying
4 that the approach depths of Kitimat have lessened, giving
5 the depth of water at Kitimat wharf, in that case the
6 notice is on the blackboard, and every ship going to
7 Kitimat, no matter to what boarding station, the pilot
8 would be notified verbally on his dispatch as well.

9 Q. Do you keep track of these notices that are
10 given verbally to pilots?

11 A. Yes, until they are rescinded, if it is
12 just a buoy that has moved, and it is fixed we take it out.

13 Q. And, apart from notices to shipping and
14 notices to mariners perhaps, what is the source of the
15 information contained in that book?

16 A. It comes from many, many sources. For
17 instance, the instructions on radio communications with
18 the bridge came from our Telecommunications Branch. The
19 instructions on what to do if being accused by a master
20 of being drunk when you were not came from our own Depart-
21 ment in Ottawa. The instructions about keeping portophones
22 twelve feet away from a magnetic compass came from the
23 Ministry of Transport in London.

24 Q. You have mentioned depths in Kitimat. Who
25 would supply that information?

26 A. That was sent firstly by teletype and by
27 telephone, and then it was sent to me by letter from the
28 Superintendent at Kitimat, Mr. Hayes.

29 Q. Would you insert in that book, and circulate
30 as a memo, information obtained from the National Harbours



1 Board concerning depths in the harbour, or any changes in
2 the numbering of the docks, or any unusual incident?

3 A. Yes. I think there is a notice in there
4 from the Port of Alberni Harbour Commissioners, changing
5 the name of Number One and Number Two docks to North and
6 South Docks. There is also another notice in there fairly
7 lately, which I received from the National Harbours
8 Board, the Harbourmaster, giving particulars of the drill
9 scow at Port Moody. If the harbourmaster has anything
10 important he will phone it up immediately. If I get a
11 message from the harbourmaster say this morning I immed-
12 iately teletype it to Victoria, so that it may be put
13 aboard all inbound ships, and then from there on I would
14 carry on the usual procedure of forwarding it, and also
15 informing any pilot who would come into that area until I
16 was sure they had received it by mail.

17 Q. Now, would it be a correct statement to say
18 that this book contains all available information on
19 changes in aids to navigation, changes in depths, changes
20 in harbour installations, and also contains, as it were,
21 the standing orders for your District?

22 A. It pretty well contains them all, yes.

23 MR. JACQUES: I would hesitate to file this book,
24 my lord, because there is only one copy available, and the
25 parties may glance at it if they wish.

26 Q. Now, sir, from what we have heard previously
27 in Vancouver, your District is apparently sub-divided, with
28 pilots stationed at various places?

29 A. Yes.

30 Q. Would you explain that to the Committee?



1 A. Well, of the 66 pilots, 37 are stationed
2 in Vancouver, 6 in Nanaimo, and 23 in Victoria.

3 Q. Do these pilots live respectively where
4 they are appointed?

5 A. Yes sir.

6 Q. Do you have any dispatching office in any
7 of those places?

8 A. We have a pilotage station in Victoria
9 with a 24 hour duty watch.

10 Q. Is the dispatching done from Vancouver, or
11 from Victoria?

12 A. It is all done from Vancouver, the
13 centralized point.

14 Q. And what does the watchman do in Victoria?

15 A. He receives his dispatch from Vancouver
16 on the teletype, acknowledges it, phones the pilot up,
17 keeps track, dispatches the launches. He has quite a
18 varied duty. We will dispatch at night-time, at six
19 o'clock at night, we will probably know the ship is coming
20 in before nine o'clock in the morning, and we will make
21 what we call a six o'clock dispatch, five-thirty dispatch,
22 and the pilots are then dispatched, so that every pilot
23 knows his job that night, and if he has a job at six o'clock
24 in the morning he is not forced to sit by the telephone.
25 He can go to the show, or have a game of golf, but if the
26 ship comes ahead during the night, the Victoria man will
27 call the pilot that much ahead of time. If it should drop
28 back an hour or two, well, he doesn't call the pilot up
29 at two o'clock in the morning and say "Capt. Jones, you
30 have another hour's sleep". He uses his own good judgment,



1 and calls him an hour later.

2 Q. Section 3 mentions that you may make rules
3 in respect to the conduct of pilots, the use by pilots of
4 buildings and equipment, and the attendance of pilots
5 before yourself.

6 What rules, if any, concerning the conduct of
7 pilots have you made?

8 A. Well, in the use of pilots and buildings,
9 there is actually no regulation there. They have their own
10 little place, and it would be very presumptuous of me to
11 put any regulation out in the use of their own little
12 office. In the use of equipment, any equipment that we
13 do use, for instance the use of portophones, you will find
14 it fully explained in that book of memoranda.

15 Q. As regards the conduct of pilots, would you
16 summarize the orders or rules which you may have made?

17 A. Does that refer to infractions, or --

18 Q. Yes?

19 A. If I have a report of an infraction of the
20 by-law, which I may state my lord very rarely happens, I
21 will tell the pilot in writing, or verbally, to present
22 himself in my office, and at the same time I will have the
23 Pilots' Committee there, and when he comes in the Committee
24 and I will present all the evidence to this man, asking
25 for his own story, his own statement, anything he has to
26 say in his defence. Then from that we will decide whether
27 it is a serious case, and should be taken further, or he
28 should be just told to mind his p's and q's, and drop it.

29 Q. Now, during the last year, say up to December
30 1962, how many disciplinary cases have you had?



1 A. May I refer to this?

2 Q. Yes, you may refer to your notes.

3 A. Very, very few my lord. Do you want it
4 from 1929 up 'til the time I assumed it in 1953?

5 Q. No, I only wanted it for last year, but
6 if you have it from 1953 on?

7 A. Since 1953 I fined one man, we have had
8 three reprimands, and three suspensions.

9 Q. And would you state the nature of the
10 offences which were committed please?

11 A. Well, the fine was, the pilot was fined for
12 giving me too much lip.

13 Q. Was that a long time ago sir, or recently?

14 A. Yes, he has retired now. The three
15 reprimands were for minor offences that the Department in
16 Ottawa considered that no further action should be taken
17 except a reprimand. One man was a minor stranding, one
18 did damage to a dock, and a third one was a borderline
19 case of whether the pilot had had a drink or not.

20 The three suspensions, one was a grounding, and
21 two for using too much alcohol.

22 Q. Of these three suspensions, which if any
23 were reinstated?

24 A. They all were reinstated, but one didn't
25 improve, and he was finally asked to retire, which was an
26 easy way of getting a cancellation.

27 Q. And, sir, if I may sum up the rules which
28 you have made concerning the conduct of pilots, well, you
29 have just outlined how you proceed for disciplinary matters.

30



1 Would you also include the rules contained in your
2 memorandum book, and also the practice which has been
3 established with regard to dispatching?

BB3 4 A. May I say at this time that I have found
5 the pilots themselves discipline their men, and sometimes
6 they are inclined to go a little harder than I would on
7 them. They are very, very fussy about the good name of
8 their District, and they always have been.

9 Q. Now sir, do you keep an establishment book,
10 as required by law?

11 A. Yes sir. We have two, one which the public,
12 if they so demand, could see, and the other confidential
13 in my office, which lists all the suspensions and disciplin-
14 ary actions.

15 Q. Do you also keep a separate file on each
16 of the pilots under your care?

17 A. Yes sir, every pilot has his own file.

18 Q. And what is kept in that file sir?

19 A. It commences from the time he enters the
20 service. There is a record there of all the publications
21 given when he entered the service, a certificate saying
22 that he agrees to serve at any established pilotage
23 station as required by the Superintendent, and that he
24 will travel whenever and wherever the Superintendent
25 requires him, even by air. There is his own income tax
26 forms, and any letter that has gone to him in respect to
27 a casualty. Also if he is sick there is a record kept of
28 his medical forms in there from his own doctor, and it is
29 a complete history of his service in the pilotage service.

30 Q. And, apart from your establishment book or



1 memorandum book and the record on each pilot, do you have
2 any other continuous record on other matters but finance?

3 A. Do you mean any books?

4 Q. Yes?

5 A. Some of the records that I have in my office,
6 to name most of them, firstly a continuous record in the
7 dispatcher's log, continuous record of all arrivals and
8 departures, a ship due book, with advance information, an
9 advance journal on northern jobs, a register of the time
10 that both pilots disembarked, and the time that they were
11 returned to the roster, a mail register, in which all
12 mail is registered, an accounts registered voucher, which
13 registers all accounts, a launch operating cost and running
14 hour book, in which I can find out at any time exactly how
15 much the launch is costing in fuel oil, lube oil, any little
16 statistic on the launches, the establishment books which
17 we have mentioned, one for the public and one confidential,
18 a register of establishment forms, which we send into
19 Ottawa when a pilot enters the service.

20 We have now many less books than we had in
21 regard to the accounting, because the Department has given
22 us a Burroughs accounting machine, which has taken away
23 our painful manual accounting, so now for accounting we
24 have --

25 Q. I should like to deal with accounting later
26 on.

27 A. We have the launch log books and work books,
28 a register of every notice to mariners we receive. That
29 is as many as I can remember right now.

30 Q. Well, these are the most important ones I



1 suppose?

2 A. That is right.

3 Q. If you turn to Section 5, concerning the
4 Pilots' Committee, would you tell the court whether this
5 setup which is outlined in Section 5 of the by-laws works
6 satisfactorily in your District?

7 A. Very, very satisfactorily my lord.
8 The pilots regularly at the end of the term called for in
9 the by-laws put out a ballot, and they nominate certain
10 members for their next Committee, and I understand that
11 no nomination is put up unless the member nominated
12 signifies his willingness to act on the Committee. The
13 successful men that are nominated are balloted on, and
14 the result of the ballot is counted by scrutineers, and
15 the new Committee is then named, and shortly afterwards they
16 come in and report, and say "I am the new Committee", and
17 then I deal with them all through the following year.

18 Q. Do you find that it serves a useful purpose?

19 A. The Pilots' Committee?

20 Q. Yes?

21 A. The most useful purpose my lord, because
22 instead of dealing with 66 pilots, I deal with the Pilots'
23 Committee, and if there are any complaints, and among 66
24 men they are bound to get a little tired, and a little
25 angry sometimes. They think they have been wrongfully
26 dispatched maybe. They are told to put all their complaints
27 to the Committee, and in this way the Committee can assess
28 and complaints, and those that are frivolous can be thrown
29 out, and anything serious the Committee will bring it in to
30 me and we will discuss it. It saves 66 men tramping in and



1 out of my office. It is a most important and necessary
2 thing.

3 Q. Would you now turn to Section 7 of the
4 by-laws, concerning pilotage cards. I believe that your
5 pilotage card is also called the source form, isn't it?

6 A. Yes sir. In the original days it was
7 a yellow card, and that is where the term pilotage card
8 came from.

9 Q. And now you have the standard form used
10 in all the other Districts administered by the Minister
11 of Transport?

12 A. Yes.

13 Q. Now sir, I show you three documents, the
14 first one being a photocopy of three pilotage cards on the
15 M/V "Lindo", and then an expense voucher, and also an
16 invoice. Would you look at these documents, and tell me
17 whether they are photocopies of documents which are in
18 your office?

19 A. These are actual photographic copies of
20 documents in my office sir.

21 MR. JACQUES: Now would you file these documents
22 in a bundle as Exhibit No. 204?

23

24 ---EXHIBIT NO. 204: Photocopies of source form,
25 invoice, and expense voucher.

26

27 Q. Would you tell me whether these three
28 relate to one or more voyages for the M/V "Lindo"?

29 A. Three different pilotage assignments.

30



RPS

1 I better get the dates in order. It is rather funny.

2 The first one is in 1962, and he has given you the second
3 one in 1963 on the same date, which is just a coincidence.

4 Q. You had better check, because they came
5 from your office.

6 A. I think he gave this one in 1962 to show
7 you a rather different source card. The second one, the
8 vessel left Kitimat on the 3rd of the month and arrived
9 at Fairway Buoy on the 5th.

10 Q. I suggest to you it is the one trip of a
11 vessel leaving Vancouver with two pilots and going up to
12 Kitimat and dropping a pilot on the way out. The other
13 two documents might help you.

14 A. I wasn't looking at the other side. Yes,
15 this is a document of the "Lindo" leaving Kitimat with two
16 pilots and coming to Port Alberni. One pilot was dismissed,
17 and then the second pilot brought her round singly to Race
18 Rocks. It is what we call a split invoice, and we get one
19 a year.

20 Q. At my request?

21 A. Yes, the two pilots left Kitimat and they
22 piloted the ship to Port Alberni, and at Port Alberni one
23 pilot, G. Warren, was not required, so he was dismissed,
24 and the second pilot stayed with the vessel and then brought
25 her round. Actually she came on the inside, and they left
26 Kitimat together, decided to come down the inside passage.
27 So she had two pilots, the two pilots ran her right down
28 the inside passage until they got off Victoria, and then
29 as the second pilot was not required, they slipped into
30 the Fairway Buoy off Victoria, dropped him, and the other



1 man carried on to Port Alberni itself.

2 Q. And that gave rise to an invoice which is
3 the third document attached to Exhibit 204?

4 A. Yes.

5 Q. Would you explain that?

6 A. Yes. Number one is the code name for
7 tonnage, 1374. Number two is the draught leaving, 15
8 feet 1 inch, which is 1550. Number three is the charge,
9 50 per cent, for the second pilot. Number four is the
10 mileage down from Kitimat to Fairway Buoy, under the two
11 pilots. Number five, \$10.00, is the boat charge for
12 taking the second pilot off at the Fairway Buoy. Number
13 six, 3935, is the expenses of one of the pilots, which is
14 listed here, G. Warren, \$102.85. Number seven -- there
15 are two of them -- that is the detention charges for the
16 pilots in Kitimat. 1374 is the second tonnage for the
17 single pilot taking her into Port Alberni. The entry,
18 the 1550, is the second draught for the entry; and the
19 \$32.80, marked 4, is the mileage from Cape Beale to Port
20 Alberni with the second pilot, and that's it.

21 This is one of the most complicated invoices
22 we ever get.

23 Q. And on this invoice is shown a code number
24 which is at the extreme right of all the figures, with the
25 dollars and cents?

26 A. And the code is down at the bottom of the
27 invoice.

28 Q. I notice there are some pencilled marks on
29 the code figures of this invoice. Can you tell me if they
30 were written in your office?



1 A. It looks like my writing, when I figure
2 it out before.

3 MR. BIRD: I wonder if Commission counsel
4 would state the amount of the invoice?

5 MR. JACQUES: \$1,075.47.

6 MR. LANGLOIS: This amount includes boat
7 charges?

8 MR. JACQUES: I believe so.

9 THE WITNESS: That is the complete charge,
10 boat charges and two pilots down the inside passage and
11 one pilot from Port Alberni and his detention and the
12 expenses of the pilots.

13 Q. Do you collect the pilotage dues?

14 A. I do.

15 Q. Have you had any difficulty in collecting
16 dues?

17 A. Very, very little. We really have two
18 outstanding debts. One has gone into liquidation, and the
19 other one is the U.S. cruiser Helena, which I think we
20 will get because we sent the invoices to the United States
21 Navy in Washington and they said they should have gone
22 to the Air Attache. Then we sent them to the 13th Naval
23 District in Seattle, and then he sent for duplicate
24 invoices, and then we went to the 13th Naval District.
25 We have gone to Washington, D.C. They can't find them,
26 and they have come back to Ottawa finally and they said
27 they should pay us.

28 The other one is a ship which went out and they
29 left the agent and ourselves without any funds. I have
30 just heard word from my Department in Ottawa that there



1 are some bankruptcy proceedings going on and they might
2 be able to collect a certain percentage of it. But that
3 is our only outstanding debt. But we are very, very
4 lucky that way.

5 Q. You have never had any difficulties in
6 collecting your dues?

7 A. No difficulty at all. Sometimes the
8 agents will tip me off that they are worried about the
9 ship themselves. That can happen. If they say they
10 can't get paid, we just put a stop order out. I won't
11 say the nationality, but they will generally send enough
12 money to cover the pilotage bills and the agent's fees.

13 Q. So you ask the Collector of Customs to
14 withhold clearance?

15 A. Yes, under The Canada Shipping Act.

16 Q. Is any request ever refused?

17 A. No.

18 Q. Section 8(2) of the by-laws stipulates that
19 you may authorize a pilot to collect pilotage dues. Has
20 that ever happened?

21 A. Just once. It was a few years ago, and it
22 was a Japanese warship and he wanted to pay in cash.

23 Q. That was the only one occasion?

24 A. Yes.

25 Q. Have you had any request to authorize the
26 collection of dues by the pilots?

27 A. No, only once. I have asked him to collect
28 dues only once since I have been connected with the pilot-
29 age service.

30 Q. What do you do with these dues once collected?



1 A. If it was cash?

2 Q. Cash or by cheque?

3 A. They are all deposited to the British

CC2 4 Columbia Pilotage Fund, Bank of Montreal, 500 Grenville
5 Street.

6 Q. Now we come to Section 10 of you by-laws.
7 Would you tell the Commission what deductions you make
8 each month out of the fund?

9 A. Well, the first deduction has to be the
10 pension fund deduction. That is the first charge to the
11 pilotage revenue.

12 Q. Have you prepared a statement of revenue
13 and expenditures from January 1st, 1962, to December 31st,
14 1962?

15 A. Yes, sir. This is the statement, a complete
16 account of all revenue and expenditure and balanced to a
17 penny, balanced correctly.

18 Q. I show you a document, sir. Would that
19 be such document which you have prepared?

20 A. That is a copy of the document, of the
21 original document forwarded to the Department.

22 Q. Have you looked at all the pages of this
23 document which contains four pages? Is that document
24 correct?

25 A. It is correct.

26 Q. Would you certify one copy and file this
27 document as Exhibit number 205?

28 A. Yes.

29

30



1 ---EXHIBIT NO. 205:

Statement of revenue and
expenditures, 1st January to
31st December, 1962.

2

3

4

Q. Very well, sir.

5

6

7

8

Now, to resume, you mentioned that you first
deducted an amount sufficient for the pension fund. That
is in accordance with Section 12(1) of the by-laws. What
percentage would you deduct, sir?

9

10 set.

11

Q. 10 per cent of what, sir?

12

A. Of the total pilotage earnings.

13

Q. Which charge would you deduct next?

14

A. Well, after that we deduct from the earnings
-- actually that is the pilotage earnings, and then we add,
in the revenue statement we add the other sums as we have
got in to get the total revenue received.

18

Q. What other sums would you receive?

19

A. Firstly, we collect the 50 per cent launch
hire payable to the private vessels from the shipping
companies and pay it to the owner of the launch. In other
words, except where departmental vessels are used, the
charge for private launches, 50 per cent, is chargeable to
the ship and 50 per cent is chargeable to the Department
of Transport. The 50 per cent chargeable to the ship is
on the source card, and we collect it and forward it to the
launch owner.

28

Q. And referring to the first page of Exhibit
205, the first column to the left, the extreme left would
be the month of the year 1962, the second one entitled

30



1 "Pilotage" would be the dues received?

2 A. All pilotage dues.

3 Q. And the third column from the left would
4 be this launch hire which we have just discussed?

5 A. 50 per cent launch hire.

6 Q. What other deduction would you make?

7 A. The next column is the travelling expenses
8 chargeable to the ship under the by-law which have been
9 entered on the source card and covered by voucher. They
10 are collected from the ship and entered into the revenue.

11 Q. You say these expenses are collected from
12 the agent. Do you do the collecting of this amount?

13 A. Yes, we collect it on the source card.

14 Q. You also mentioned vouchers. What vouchers
15 do you expect to obtain from pilots to cover the expenses?

16 A. The pilots are required to vouch for all
17 expenses chargeable to the ship.

18 Q. What would they include?

19 A. Hotel bills, transportation charges. I
20 think there is a copy with the source card attached in
21 the copy you have just put in.

22 Q. I show you Exhibit 204, the second sheet.

23 A. That is a photostatic copy of the pilot's
24 expense accounts. They are chargeable to the motor
25 vessel "Lindo" in accordance with the by-law. They are
26 itemized, and he would have supporting vouchers for his
27 hotel in Kitimat, and taxis and things like that. He
28 would have supporting vouchers. That is to satisfy the
29 agent as we are collecting that money from him. Therefore
30 we give him an itemized expense account of the money



1 expended and charged to the ship.

2 Q. And this is also a revenue which goes into
3 the pilotage fund?

4 A. Yes, sir.

5 Q. Now, the next column is entitled "Boats
6 Pilots". Would you explain that?

7 A. Every time a departmental vessel is used
8 there is a fee of \$10.00, and this column, "Boats Pilots,"
9 shows the fees collected from the ships for the use of
10 the departmental vessels and which are put into the
11 account, and then in the expenditures they are forwarded
12 to the Receiver General.

13 Q. And the next column "Miscellaneous"?

14 A. "Miscellaneous" is odds and ends. There
15 are examination fees, licence fees. The examination fees
16 are the fees the candidates pay when they sit for an
17 examination. Licence fees are the fees that a probationary
18 pilot pays for his licence, and also for his permanent
19 licence.

20 Q. I see mentioned there \$2.70 and .32¢. What
21 would that be, under the column "Miscellaneous", the third
22 entry from the top?

23 A. I am afraid I don't know what the \$2.70 is.
24 My accountant would tell me.

25 Q. So these items would form the pilotage fund?

26 A. I remember now. That was an exchange on
27 U.S. dollars.

28 Q. And these items which have just been mentioned
29 pilotage, launch hire, travel expenses, miscellaneous,
30 would form the pilotage fund?



1 A. That is the total in the next column, which
2 is the amount of money collected by the B.C. Pilotage
3 District in 1962. It represents every penny collected.

4 Q. And it amounts to what?

5 A. \$1,355,167.38. The next two columns have
6 no relation to this. It is just my accountant; he
7 doesn't like to waste paper. It was a distribution each
8 month to a full pilot and a probationer.

9 Q. If we may turn to the second half of this
10 page on Exhibit 205, what is that?

11 A. The first column is the pilots' expenses.
12 In British Columbia the expenses north of 50 north and
13 on the west coast of Vancouver Island are payable by the
14 ship. All other expenses, including the Gulf of Georgia,
15 where probably 80 per cent of our work is, are paid by
16 the pilots. So the expense column which I am talking of,
17 the first column on the lower part of the sheet, that is
18 the pilots' out of pocket expenses and the travel
19 expenses paid by the ship. The reason is that the
20 pilots pay their own expenses when it is chargeable to
21 the ship, and we collect from the ship and put it back
22 into the fund for them.

23 Q. Does that cover all expenses north of
24 50?

25 A. That is total expenses paid. If you take
26 the travel expenses paid by the ship from the other
27 total, that will give you the amount of expenses the
28 pilots have out of their own pocket.

29 Q. I show you a form entitled "British
30 Columbia Pilotage Authority. Pilots Travelling Expense



1 Account." Would you tell me if that is one of the forms
2 which you keep?

3 A. This is what they keep, the pilots keep.

4 Q. Am I right that these deductions for travel-
5 ling expenses are referred to in Section 10(b) of your by-law?

6 A. Yes, that is right.

7 Q. And would you file as Exhibit 206 a form of
8 pilot's travelling expense account, and would you tell the
9 Commission what entries are made on this form, please?

10 A. The pilot puts his station in, his name and
11 the month. Then he puts the date, the vessel, from, to,
12 the dock he berthed the vessel, the dock he left the vessel,
13 the transportation fare, his breakfast, his lunch, dinner,
14 bed, taxi, and total.

15 ---EXHIBIT NO. 206: Form of Pilot's Travelling
16 Expense Account.

17 Q. So the pilot fills that form out himself?

18 A. Absolutely.

19 Q. I note that in accordance with Section 10
20 these expenses must be approved by the Pilots' Committee and
21 yourself. How is the approval of the Pilots' Committee obtained?

22 A. Every expense account is checked by the
23 Pilots' Committee, and they make any changes if they think
24 it is not right. As far as I am concerned, quite often we
25 check it for arithmetical accuracy only.

26 Q. And that is all?

27 A. That is all.

28 Q. Do you know if the Pilots' Committee requires
29 vouchers to support these expenses?

30 A. Not to my knowledge.



1 Q. Is there an agreement on any set amount
2 to be claimed as expenses?

3 A. I think they have a limit.

4 Q. Would you know what the limit is?

5 A. No. Well, I have seen it on the expense
6 accounts, but I wouldn't like to say exactly. There is
7 a fixed limit for breakfast, lunch and dinner and hotel
8 rooms.

9 Q. Sir, you will excuse me, but I have been
10 instructed that a set amount of roughly \$50.00 per month
11 may be deducted as an expense. Is that deducted as
12 travelling expenses or another item?

13 A. It is a \$50.00 deduction which they make
14 which is called incidentals.

15 Q. And this is entered where in your book,
16 these incidental expenses?

17 A. It is on their expense accounts.

18 Q. Is it claimed every month for every pilot?

19 A. Every month, when they are on duty.

20 Q. By every pilot?

21 A. Yes.

22 Q. And it is included with the travelling
23 expenses?

24 A. Yes, sir.

25 Q. Now, sir, would you move on to the next
26 item, which is launch hire?

27 A. Launch hire is the money collected from the
28 ship, 50 per cent payable by the ship, and it is then
29 paid back to the owners of the launch. So it is just --
30 it comes in as revenue and goes right out again. It is
paid right out to the owners of the vessel.



1 Q. Sir, the next column, "Stamps and
2 Stationery"?

3 A. The Department does not supply stamps.

4 Q. Do you mean the stamps that you use ---

5 A. The stamps that I use are all supplied
6 by the pilots.

7 Q. And stationery that you use?

8 A. Well, that is mostly their own stationery.
9 We have our own Departmental stationery of course.

10 Q. In order that we may be quite sure to get
11 that straight in the record, the Department does not
12 pay your stamps?

13 A. No. For that reason I don't feel too
14 badly about whenever I get a little notice, they pay for
15 the stamps, so I send it to every pilot, to make sure they
16 get it.

17 Q. The item "Telephones", is that your
18 telephone?

19 A. No, that is their own telephone in their
20 Committee Room.

21 Q. Where is the Committee Room sir?

22 A. On the sixth floor of the Federal Building.

23 Q. And we now come to the next item, "Insurance".
24 What is that sir?

25 A. Well, this is a very comprehensive and
26 fine insurance policy they have taken out instead of
27 Workmen's Compensation, and it is a comprehensive
28 covering.

29 Q. Do you have the policy with you sir?

30 A. No, I think I have a copy of what it is.



1 It is their policy. I have no copy of it.

2 MR. JACQUES: I would like to see a copy of it.

3 THE CHAIRMAN: You may file a copy of it.

4 THE WITNESS: There is a short description of
5 it here my lord, if it helps.

6 ---EXHIBIT NO. 207: Travel insurance policy held
7 by the B. C. pilots.

8 THE WITNESS: This policy, by the way, before
9 it was taken out it was taken up with the Department of
10 Internal Revenue, and it is not subject to income tax,
11 but any money they get from the policy is, but the pay-
12 ments are not subject to tax.

13 Q. And are you given instructions by the
14 pilots themselves on the amount of money which you deduct
15 every month?

16 A. It is a standard deduction more or less,
17 and we get it from the pilots.

18 Q. So the pilots tell you every month how
19 much you should deduct for their insurance policy. Have
20 you any record in your office of the number of pilots
21 covered by this policy?

22 A. No, it is their own policy, and I think
23 they are all covered, but I wouldn't say for sure.

24 Q. The next item, would you comment on it
25 please, it is "Pension"?

26 A. That is the 10% deduction from the gross
27 pilotage earnings required by the by-law, and as you can
28 see, the gross pilotage earnings were \$1,245,041.50.
29 Ten per cent of that is \$124,504.12.

30 Q. So, for purposes of pension you don't



1 include launch, or travel expenses and boat charge?

2 A. No, the by-law is explicit on that. It
3 is 10% of gross revenue.

4 Q. What did you do with that money?

5 A. That is forwarded to the Receiver General.

6 Q. The next item is "Pilot Launch". Would
7 you explain how it comes as an expenditure?

8 A. That is the ten dollars for Departmental
9 vessel service, \$36,660.00 that we take in as revenue, and
10 we pay it back to the Receiver General in the expenditures.

11 Q. And the next column sir, entitled
12 "Distribution"?

13 A. That is what is left after pilot launches,
14 pension, and all other expenditures have been deducted,
15 and that is distributed among the pilots in equal shares.

16 Q. And how many pilots do you have now?

17 A. 66.

18 Q. Did they have each an equal share?

19 A. A full time pilot receives a full share,
20 and a probationary pilot 75%. You will see on the top
21 column a pilot \$1,194.90, whereas a probationer is \$896.17.

22 Q. So, for the year January to December 1962
23 we have in this document the total money paid out to a
24 pilot?

25 A. Yes.

26 Q. And also what he received each month.
27 How is this money paid out to the pilots?

28 A. Before we got the machine we calculated
29 it out painfully by hand, and then made out a slip showing
30 his distribution, what deductions had been made, and the



1 balance, and he is paid by a Canadian government cheque.

2 Q. Would you have an example of such a
3 cheque sir?

4 A. No, our cheques are numbered, and we
5 have to account for every one. They are government
6 cheques.

7 Q. Does it show on the cheque, the deductions
8 which are made?

9 A. Since January the 1st it does, because
10 we are using a new type of cheque that has been supplied
11 to us for the Burroughs accounting machine, and the
12 accounting machine now does the payroll. We can put it
13 through the machine, and it automatically shows all
14 deductions on the stub of the cheque.

15 THE CHAIRMAN: Mr. Jacques, before we undertake
16 the other part, we are going to have a recess.

17

18 ---A short recess.

19

20 Q. As regards the travel insurance, I am
21 instructed that among the benefits given to pilots there
22 is an indemnity of \$125 a week whilst disabled, and I
23 am also instructed that this indemnity is turned over
24 into the pilotage fund. Is that correct?

25 A. That is correct.

26 Q. So that the pilot does not get double
27 pay?

28 A. No.

29 Q. He shares even though he is disabled, but
30 the indemnity paid by the insurance company is turned over



1 into the fund?

2 A. Turned over into the fund.

3 Q. Have you got a separate account for this
4 particular amount of money?

5 A. It goes in in the monthly reports sir,
6 and I have a copy of the monthly reports if you would like
7 to take them at this time as well, and there you will see
8 insurance Maurice Olson. That is a monthly report. This
9 is a monthly report, and that is a monthly report. They
10 go to the Department.

11 Q. We might come back to that report later
12 sir. I should like to finish Exhibit 205. Would you have
13 any other comment to make as regards the information given
14 in the first page of Exhibit 205?

15 A. No, this is the exact statement of revenue
16 and expenditures, and this is the statement, and this is
17 the one that is audited by the Treasury auditors every
18 year.

19 Q. Would you now turn to page 2 and explain
20 to the Commission what it contains?

21 A. Some time ago the Department asked us to
22 try and break down the amount of money collected from
23 draught, from tonnage, from mileage. Actually, it is a
24 breakdown of costs, and at that time -- we are still in
25 the same position, we have a very, very small staff. In
26 fact, we have the same staff as we had 20 years ago, and
27 to do this we had to do it painfully by hand from every
28 invoice, and it took so much time that we were getting so
29 far behind that the Department then told us that they
30 were not too worried if it was a dollar or two out, they



1 want it to the nearest dollar. So there is a slight
2 difference in the total sum. Actually it is not an
3 official document. It is just a breakdown for the
4 benefit of the Department, to give them a very good idea
5 of the amount collected for each service.

6 Q. And am I right in saying that each heading,
7 and every column in page 2 of Exhibit 205 corresponds to
8 the various charges which may be made against a ship
9 in accordance with the schedule to the by-law?

10 A. That is correct.

11 Q. But sir, I notice one which is entitled
12 on page 2 of that document "Quarantine", and which does
13 not appear in your by-law. Would you explain how, and why
14 this charge is made?

15 A. In 1958, our old charges were getting
16 completely out of line. No one knew exactly what they
17 were. They were charges that had been made many years
18 ago, and throughout the years had been changed a little
19 here, a little there, according to what the pilots and
20 the Chamber of Shipping had agreed to, with the result
21 you had one charge in one port another in another port.
22 In Prince Rupert a fixed charge, at Watson Island another
23 charge. If you brought a ship down to the Gulf you were
24 charged mileage. In Victoria you were charged mileage
25 all the way, and it got to such a state that no one could
26 understand it except ourselves, let alone the foreign
27 principals, and it was requested by Mr. Booth of the
28 Department of Transport if we could get a standard charge
29 throughout the District.

30 This was worked out, and the present charges



1 were based on tonnage, draught and mileage, and the
2 mileage rate was first established to be used as a yard-
3 stick, and the idea was to bring out these new standard
4 rates, which would give the pilots the same take-home
5 pay or the same revenue as they had under the old rates.
6 In doing so quarantine was accidentally missed out. It
7 was one of the charges taken into account, and it was
8 missed out of the by-law by accident. This was pointed
9 out to the Department, and they said at the time we could
10 use the section in the schedule for services in any inlet
11 other than a harbour, \$36.30. So that has been used, and
12 the quarantine charge has never been put back into the
13 by-laws. It is one of those things. I have a letter on
14 file where I pointed it out, and I requested for a
15 telegraph confirmation that we could use this, and I got
16 confirmation by phone from the Department that it would
17 be in order to use that figure for the quarantine charge.

18 Q. And you call it quarantine all the way
19 through, although in fact it may not be a quarantine
20 charge?

21 A. Oh, yes, it is a charge for quarantine
22 service, while the ship is in quarantine.

23 Q. I see on the top half of that document
24 a column entitled "Net Charges". What would that be?

25 A. That is actually the net charges, or the
26 actual charges of the first column, purely straightforward
27 pilotage. That is draught, tonnage, mileage, and the
28 second pilot. Then the other, "Movages". They are all
29 different types of charges. Actually a movage is not what
30 you would call a real pilotage job. It is not an in and



1 out, and that is all the net charges are, the total of
2 the first columns.

3 Q. Would you turn to page 3 of Exhibit 205,
4 and explain to the Commission what it contains?

5 A. The first column, it is more or less a
6 resume of the charges, the moneys from 1956 to 1962
7 inclusive. The first column is the actual pilotage
8 revenue from all pilotage charges.

9 Q. I must interrupt you sir. We don't seem
10 to have the same third page. It is entitled "Volume
11 Statistics January 1962 to December 1962 inclusive", and
12 it shows "tons British, gross and net", and "tons foreign,
13 gross and net", and "total tons, gross", "total tons, net",
14 and "vessels, net, British, foreign, total", and "total
15 shifts", "miles piloted", and "miscellaneous"?

16 A. The tonnages are the actual tonnages we
17 handled on pilotage jobs. They were taken from the
18 source card by hand when we were doing the computations,
19 and put down just to give an idea of how many British and
20 foreign ships, the tonnage of British and foreign ships
21 handled by the pilots.

22 MR. LANGLOIS: When you have British ships, you
23 mean really a British ship is not a Canadian ship, because
24 a Canadian ship is also a British ship?

25 THE WITNESS: Oh, yes. We have no Canadians
26 coming in. A British ship is any ship belonging to Her
27 Majesty's Dominions, I believe, according to the Canada
28 Shipping Act.

29 Q. Now, sir, I refer to the extreme right
30 column on the bottom half of that page 3 entitled "Pilot



1 Launch." What pilot launch would that be?

2 A. That is the number of times the Fairway
3 Buoy launches would be used.

4 Q. Broatchie Ledge?

5 A. Yes, 3,660 times. And if you look at the
6 back you will see \$10.00. We have a charge there of
7 \$36,660, which is exactly \$10.

8 Q. Now, would you turn to the next page
9 entitled "Launch Hire in 1962"?

10 A. This is a statement of the sums paid by
11 the Department for the three non-departmental boarding
12 stations. The ship paid a similar amount. We made 388
13 trips with the launch at Port Alberni, and the Department
14 paid \$19,400, which is exactly \$50 of the \$100 charged.

15 The other one, Telegraph Cove, Beaver Cove and
16 Pine Island is a fish boat belonging to the owner of
17 Telegraph Cove Mills, and he makes a charge of \$175, of
18 which we paid half, \$1,662.50, 19 times.

19 The owner of the vessel is rather touchy, so
20 he may refuse to go out if we ordered a ship to come to
21 Pine Island to board and there was a little bit of a sea
22 on and our friend at Telegraph Mill said: "Oh, no, I
23 won't go out," that ship would have no means of boarding.
24 If disembarking is fine, that is all right, but, if not,
25 the ship carries on to Triple Island and nobody is hurt.

26 Q. On the extreme left-hand column of the
27 fourth page of Exhibit 205 we have pilotage launch of
28 3,660 times?

29 A. Yes.

30 Q. That equals \$36,660, and I see \$27,842.50,



1 a gain of \$8,817.50?

2 A. Yes. The \$36,660 is collected, the \$27,000
3 is the amount the Department of Transport paid out to the
4 private launch, so the net gain is \$8,817; and as the
5 \$10 was supposed to go to the upkeep of those vessels, you
6 can see we didn't get much of a gain.

7 MR. LANGLOIS: It is a net profit.

8 Q. I fail to see that it is a net profit.

9 A. Actually we collected \$36,000 for our
10 own launches, but we paid out \$29,000 to private launches.

11 Q. I don't see the connection.

12 A. I think the accountant wanted to show that
13 we collected \$36,000 and we paid out \$29,000 to private
14 boats, so we didn't make an awful lot of money.

15 Q. Perhaps he wanted to show that out of the
16 total boat charges collected you had left \$8,817.50 to
17 operate your own department boats?

18 A. Yes, that is right.

19 Q. So it is not a gain.

20 I show you another document entitled
21 "Revenue, 1956 to 1962, inclusive". Can you tell me if
22 this document has been prepared in your office or not?

23 A. Yes, that has been prepared there.

24 Q. Would you look at that and tell me if it
25 is correct?

26 A. Yes, it is correct. May I just check
27 a second. There is a typographical error. May I correct
28 it?

29 Q. Yes, you may.

30



1 ---EXHIBIT NO. 208:

Document entitled "Revenue,
1956 to 1962, inclusive".

2

3

Q. Would you briefly explain this document

4

to the Commission, sir?

5

A. Actually it is a similar document to page

6

1, except that page 1 is for the year month by month and

7

it is the total of page 1 for every year from 1956 to

8

1962. It gives you an idea of the increase in pilotage

9

and other expenses.

10

Q. And am I right in assuming that the

11

headings of the various columns shown in Exhibit 208

12

cover the same items as shown on Exhibit 205?

13

A. Yes, that is right. You will notice

14

there, if I may elaborate there, the launch refundable

15

expenses up to 1960, when the Department had taken the

16

launches over but had not put them under the ships' crews.

17

The expenses for launches in those days were paid out of

18

the Pilotage fund and the Department refunded them, but

19

nowadays all expenses are vouchered to Ottawa.

20

Q. I notice that there was an entry for

21

Workmen's Compensation up until 1961.

22

A. They dropped the Workmen's Compensation

23

and took this out.

24

Q. What would you call refundable launch

25

expenses?

26

A. That is what I am saying, the cost of the

27

boat from the Pilotage fund.

28

Q. I show you another document entitled

29

"Pilot's Net Earnings Before Taxes and other Deductions,

30

1948 to 1962, inclusive," including three sheets of paper.



1 Would you look at this document and tell me whether it
2 was prepared in your office?

3 A. Yes.

4 Q. And would you tell me if it is an accurate
5 document?

6 A. It is an accurate document, showing the
7 number of pilots and the individual and total distribution
8 for each year for every pilot.

9 Q. Would you file that document as an exhibit,
10 please?

11 THE SECRETARY: 209.

12 ---
13 ---EXHIBIT NO. 209: Document entitled "Pilot's
14 net earnings before taxes and
other deductions, 1948 to 1962,
inclusive" (three sheets).

15 Q. I show you another document entitled
16 "British Columbia Pilotage Authority, comparison statement,
17 1948 to 1962." Has that been prepared in your office?

18 A. It has been prepared in my office by my
19 accountant, and it is correct.

20 Q. What does it show?

21 A. It shows the number of vessels and the
22 net tonnage and gross tonnage, the number of ships and
23 the number of pilots for each year. 1959-60 was the
24 fiscal year, and then we went on to the calendar year, so
25 we worked 1960 out as a full calendar year.

26 Q. Would you file that document as number
27 210.

28 ---
29 ---EXHIBIT NO. 210: Document entitled "British
30 Columbia Pilotage Authority,
comparison statement, 1948
to 1962, inclusive.



1 Q. I show you another document entitled
2 "Statement of Distribution, Pension Contributions and
3 Earnings, 1950 to 1962, inclusive." Was that document
4 prepared in your office, sir?

5 A. That was prepared by my accountant.

6 Q. Would you explain to the Commission what
7 information it gives?

8 A. It gives the actual pilotage distribution
9 and the amount of pension contribution by each pilot,
10 total pension contribution and the totals.

11 Q. Would you file this document as Exhibit
12 211, please.

13 A. Yes.

14 ---EXHIBIT NO. 211: Document entitled "Statement
15 of Distribution, Pension
16 Contributions, and Earnings,
1950 to 1962, inclusive".

17 Q. Now, sir, you mentioned a while ago that
18 you filed a monthly report with the Department of Trans-
19 port. Have you brought an example of such a monthly
20 report?

21 A. There is an example of the comparative
22 report of pilotage earnings, statement of revenue and
23 expenditure, the number of bills which have been forwarded
24 to Ottawa, with the source card, and outstanding accounts
25 which I mentioned before, the vessel "Helena" and the one
26 I mentioned before.

27 Q. Would you file these documents in a bundle
28 as Exhibit 212, being comparative report of pilotage
29 earnings, monthly report to the Department of Transport.

30 A. Yes.



1 ---EXHIBIT NO. 212:

Comparative report of pilotage
earnings, monthly statement
to the Department of Transport.

2
3
4 Q. I see on the third sheet of Exhibit 212
5 there is reference to effective pilots, 64.428. Are you
6 able to explain to the Commission what it means?

7 A. Well, I have tried to explain to several
8 people, and they all get mixed up. Maybe it is a case
9 where now statistics are substituting for logic. But it
10 appears to me, when we worked it out, what we have got
11 is the available number of pilots excepting those who are
12 sick or if any should be under suspension. I have a copy
13 of the letter of instructions on how to work it out, and
14 I would like to file that.

15 Q. Would you file this letter together with
16 Exhibit 212, please?

17 A. Yes.

18 Q. Now, when we went through the expenditures,
19 and so on, paid out of the Pilotage Fund, we mentioned
20 insurance and pension. Are there any other welfare plans
21 applicable to pilots in British Columbia?

22 A. After the distribution is ascertained we
23 make further deductions at source, and they consist of
24 C.U. & C. dues. This is the Credit Union & Co-operative
25 Health Insurance Company Limited, and this is after the
26 distribution is worked out. That is taken off. And we
27 take off \$7.00 a month club dues, at the 'pilots' request.
28 The club dues are a fund they build up for various little
29 things they do, such as sending wreaths to funerals and
30 other little charitable works. They take off another \$3.53



1 for licence insurance, which insures their licence if it
2 is suspended for any other reason except drunkenness.
3 The British Columbia pilots have such a good record that
4 they keep cutting it down and cutting it down. And any
5 savings bonds they purchase, we do that too. Income tax,
6 at source, and that is taken off the pay cheque and the
7 balance is paid by government cheque.

8 Q. For the purpose of income tax, I should
9 like to know if you base your figure on the distribution
10 figure?

11 A. On the distribution figure.

12 Q. Are there any charges made to pilots for
13 this keeping of their books?

14 A. No. We are only too glad to collect the
15 savings bonds for them.

16 MR. JACQUES: My lord, I was going to go on to
17 a new subject, and I wonder if you wish to adjourn at
18 this moment.

19 THE CHAIRMAN: I think so. I think we will
20 probably be able to finish tomorrow morning, and start at
21 9:30.

22 MR. LANGLOIS: I understand, my lord, we have
23 another brief.

24 MR. JACQUES: No, nothing will be done about
25 that brief.

26 THE CHAIRMAN: I think it was just submitted
27 and nothing else. I think there was a statement made at
28 one time to the effect that they were quite happy with the
29 evidence brought by the Vancouver Chamber of Shipping.

30 MR. LANGLOIS: My lord, before the adjournment,



1 and I have discussed this with the counsel for the
2 Commission, we have no objection and, to the contrary, we
3 think that the Commission should have all these figures
4 about earnings, deductions and distributions in connection
5 with the Pilotage Fund, and in doing so we are going into
6 the private affairs of the pilots, and I respectfully
7 submit to the Commission is consideration should not be
8 given to keeping these figures and these statistics as
9 confidential. I am just leaving it up to the Commission,
10 I am not making a formal request. I am sure nobody would
11 like everybody to be given the opportunity of prying into
12 each other's private affairs.

13 THE CHAIRMAN: Of course, most of it appears
14 in the briefs, anyway.

15 MR. LANGLOIS: Yes, but we are going into
16 deductions of income tax, and so on.

17 THE WITNESS: It might stop the \$21,000 reports
18 in the newspapers.

19 MR. LANGLOIS: It is things like that we want
20 to avoid.

21 THE CHAIRMAN: Yes; but, on the other hand, I
22 think you have to explain all the deductions you have to
23 bear. Well, up to now I think care has been taken that
24 the documents be filed rather than read. That has been
25 the procedure so far. From what I can see here, there is
26 no danger of that; on the contrary. But you may feel that
27 in another district. As far as I am concerned, I would
28 prefer that as much as possible there be nothing too
29 confidential; I should like everyone to know what is going
30 on. If we start sitting in camera, somebody may feel they



1 didn't know what was going on, and we wouldn't like that
2 to happen. In any event, whatever is necessary is going
3 to be done.

4 So we will adjourn until tomorrow morning at
5 9:30 in the Citizenship Court, in Vancouver.

6
7 ---Whereupon the hearing adjourned at 5:10 p.m. until
8 9:30 a.m. at the Citizenship Court, Vancouver, B.C.

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